



Planning Committee

28 November 2019

Report of:

Assistant Director for Planning
and Delivery

PLANNING COMMITTEE: DEVELOPMENT MANAGEMENT PERFORMANCE 2019/20 - QUARTER 2

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 Q2 (July to September 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

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

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 Q3	2017 -18 Q4	2018 -19 Q1	2018 -19 Q2	2018 -19 Q3	2018 -19 Q4	2019 -20 Q1	2019 -20 Q2
% 'major' applications determined in 13 wks, or within agreed period	93%	89%	93%	91%	100%	100%	80%	100%
% 'minor' applications determined in 8 wks, or within agreed period	86%	85%	86%	82%	87%	88%	88%	88%

Planning application performance for quarter 2 shows a continual above average 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

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	2016/17	2017/18	2018/19	2019/20 Q1	2019/20 Q2
Percentage of appeals against refused applications dismissed	59%	72%	54%	100%	50%

Appeal performance for Quarter 2 has remained relatively consistent to other quarters with the exception of Quarter 1, it is hoped that appeal decisions will stabilise and performance increase during the remaining 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 2, 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	2
Committee, in accordance with recommendation	0	0
Committee, departure from recommendation	0	0

3.5 DEVELOPMENT OF THE SERVICE

The recommendations of the Planning Review which began in August 2018 are now being taken forward with working groups in place to take suggestions forward and implement recommendations and tasks within it. Updates have been given to members at various stages throughout the process and the work is ongoing, further updates will also be presented when they are available.

3.6 SUMMARY AND CONCLUSION: HOW ARE WE PERFORMING?

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 minor applications. It is hoped that this performance continues through the remainder of 2019/2020.

Our appeal record for the second quarter of the year has fallen since the previous quarter and is lower than the average of the previous years. This is disappointing,

however it is hoped that the transition period of the Local Plan has now completed, going forward successful appeal decisions should increase.

3.7 SECTION 106

No monies have been received this quarter however the following Section 106 agreements have been signed :

Planning Application	Location	Date Signed	MBC Contributions
18/00201/FUL	Burton Road Melton Mowbray	10/09/2019	All LCC Contributions
18/00518/FUL	Scalford Road Melton Mowbray	29/08/2019	Affordable Housing = £210,000 Latham House = £24,307
18/00721/OUT	Burdetts Close Great Dalby	08/07/2019	Play Area = £18,000 Latham House = £7,260.678

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.

7.2 The figures collected are summarised and published as National Statistics in MHCLG's planning application statistics quarterly statistical release and in a range of associated live tables, available at <https://www.gov.uk/government/collections/planning-applications-statistics>. 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 D	A	Very High				
	B	High				
	C	Signifi- cant		1		
	D	Low				
	E	Very Low				
	F	Almost Imposs- ible				
			Neg- ligible 1	Marginal 2	Critical 3	Catastro- phic 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

Appendix 1 - Review of appeal decisions for Quarter 2 2019/2020 decisions (see below)

Report Timeline:

	Dated:
Equalities Check & Challenge	N/A

Asst Director/Senior Planner Approval	11/11/2019
Chief Finance Officer Sign Off	N/A
Legal Officer Sign Off	18/11/2019
Consultation with Portfolio Holder	N/A

Exempt Reports
N/A

Date of Review to make public (Exempt Reports only)
N/A

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Review of Appeal Decisions for Quarter 2, 2019/20 - Decisions

Proposal: 18/00851/FUL Erection of two dwellings with car parking – Overfields 1 Belvoir Road Redmile Nottingham

Level of decision: Delegated

Reasons for refusal:

1 The proposed development has not been evidenced sufficiently to provide a local need through substantive evidence including within in a Neighbourhood Plan or appropriate community-led strategy, or a housing needs assessment or other evidence provided by the applicant. Without this information there is a lack of a demonstration of a dwelling in what is a relatively unsustainable location that will lead to an over-reliance in car journeys contrary to the aims of sustainable development. As such the proposal is deemed to be contrary to policies SS1 and SS3 of the Melton Local Plan and NPPF when read as a whole.

2 The proposed development is considered to poorly relate to the settlement of Redmile, introducing two dwellings in such a layout that is not harmonious with the exiting village form. As such the proposal is deemed to be contrary to policies D1 of the Melton Local Plan and NPPF paragraph 127.

Inspector's Conclusion: Dismissed

The main issues were the effect of the proposed development on the character and appearance of the area; and whether the proposed dwellings would represent sustainable development in respect of their location.

Character and appearance

The inspector found that the means of access proposed to the appeal site would not appear incongruous or out of place within the locality. In addition he found that the design and layout of the proposal would be sympathetic to the character and appearance of the area and not contrary to Policy D1 of the Local Plan.

Sustainable Development

There is no neighbourhood plan for Redmile, nor is there a community led strategy that identifies a need for housing. A housing assessment survey of all occupiers of the village was carried out, to which three positive responses were received. The inspector concluded that such a low response does not constitute substantive proof of local need, and as such, the proposal does not meet the criteria set out in policy SS3 of the LP.

In addition to this Policy SS3 states that development should be served by existing sustainable infrastructure or provide new infrastructure or services that would benefit the wider settlement. No additional benefits are proposed. The inspector noted that the local services are extremely limited, which would increase reliance on private vehicles to access day to day services and employment options, being contrary to Policy SS3 as well as Paragraph 102 and 103 of the National Planning Policy Framework and therefore concluded that the proposals

would not represent sustainable development in respect of their location would conflict with LP Policies SS1 and SS3.

Proposal: 18/01487FULHH Proposed kitchen extension, garage and porch – 1 Whitlock Way Asfordby

Level of decision: Delegated

Reasons for refusal:

1 The proposal, by reason of siting and design, would result in an extension to the front of a dwelling in a prominent location which would create an incongruous feature on the street scene, which would not be sympathetic to the character of the area, therefore having a detrimental impact on the visual amenity of the site and the street scene. The proposed development would therefore be contrary to policy D1 (a and c) of the Melton Local Plan 2011-2036, and Paragraph 130 of the National Planning Policy Framework 2019.

Inspector's conclusions: Allowed – The main issue was the effect of the development on the character and appearance of the area.

The proposed rear kitchen extension is designed with hipped pitched roof; its design and siting are not disputed by the council and the inspector found the detail of the rear extension to be acceptable. Located at the end of the street, set back from the road frontage and enclosed by adjacent boundaries, with a limited forward projection the garage and porch extension would not be unduly prominent. In addition, matching materials would be used and the scheme would retain the bay window which is an important element in the design of the property. Further, whilst there is a certain rhythm and unity in the design details of the adjacent properties where there is ample variation of house types and designs in the wider area for the proposed extension to sit comfortably within the street scene. The inspector concluded that the extensions would not harm the character and appearance of the area and would accord with the requirements of Policy D1 (a and c) of the Melton Local Plan and the requirements of paragraph 30 of the National Planning Policy Framework which seeks to protect local character.

Proposal: 19/00166/FULHH Two storey side extension. – 3 New Road, Burton Lazars, LE14 2UU

Level of decision: Delegated

Reasons for refusal: The proposal, by reason of siting and design, would result in an extension to the side of a dwelling in a prominent location which would create an incongruous feature on the street scene, which would not be sympathetic to the character of the area, therefore having a detrimental impact on the visual amenity of the site and the street scene. The loss of the feature stone wall, narrowing the entrance to Church Lea would result in the loss of the rural character of this part of New Road. The proposed development would therefore be contrary to policy D1 (a and c) of the Melton Local Plan 2011-2036, and Paragraph 130 of the National Planning Policy Framework 2019.

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

A feature stone wall encloses the plot leaving a small gap between the property and the wall. On the opposite side of the junction, lies a neighbouring property with a similar feature stone wall and resulting gap. These feature stone walls and the resulting set back of the flank walls of both properties away from the junction of the New Road/Church Lea enhance the street scene and give the entrance to the housing development a spacious character and appearance.

The proposed extension would be a full two stories in height to reflect the existing house and would occupy most of the existing gap between the side of the dwelling and the stone wall. By occupying the width of the appeal site and squaring off the proposed extension at the front to a pinch point on the corner, the extension would result in a cramped appearance to the appeal property when viewed from both New Road and Church Lea.

The resulting extension adjacent to the grass verge would be visually prominent and would significantly erode the open character and appearance of the area. The bulk of the proposed extension forming the boundary at this location would be a discordant addition to the streetscene and would introduce a sense of enclosure at the entrance of the housing development.

The proposal would involve alterations to the feature stone wall, including the loss of part, through the construction of the extension. It was appreciated that the proposal would see the reinstatement of part of the stone wall and the incorporation of matching stone into the lower part of the extension, however this would not overcome the adverse effect identified.

The inspector therefore concluded that the proposed development would result in unacceptable harm to the character and appearance of the host dwelling and the area. As such, it would be contrary to Policy D1 (a) and (c) of the Melton Borough Local Plan. The proposed development would also be contrary to the NPPF which encourages good design and seeks to promote development sympathetic to local character.

Proposal: 19/00375/GDOAGR - Erection of building for the storage of fodder and farming equipment – Field OS 6162, Sand Pit Lane, Long Clawson

Level of decision: Delegated

Reasons for refusal:

1 It is considered that the proposed building is not reasonably necessary for the purposes of agriculture due to the lack of agricultural activity taking place within that unit.

Inspector's conclusions: Allowed – The preliminary matter was noted that the LPA have expressed doubt as to whether the proposed building is reasonably necessary for the purposes of agriculture and thus whether the development would be 'permitted development' (PD). However, the prior approval procedure under Part 6 makes no provision for any determination to be made as to whether

the development would be PD and as such this matter is outside of the scope of this appeal. It is the responsibility of the appellant to ensure that the new building is reasonably necessary for the purpose of agriculture within the agricultural unit, since otherwise the approved development would be at risk of enforcement action.

The main issue was whether the application made for prior approval was determined by the LPA within the statutory timeframe outlined in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the subsequent requirement to have regard to the prior approval matters for consideration.

In the case of this appeal, the statutory period for determination did not start until the fee was received by the LPA on 7 May 2019. The evidence before the inspector appeared to suggest that the LPA sought additional information in relation to the agricultural trade or business taking place within the site. However, this did not 'stop the clock' on the statutory period for determination, which ceased on 4 June 2019. The LPA did not subsequently make its determination until 26 June 2019.

The inspector therefore concluded that prior approval is deemed to be granted, as the LPA failed to issue its decision during the statutory period for determination. The development can therefore lawfully proceed so long as it takes place in accordance with the submitted plans and meets the terms and conditions of the planning permission.