

# Planning Committee 27<sup>th</sup> February 2020

Report of: Assistant Director for Planning  
and Delivery

## PLANNING COMMITTEE: DEVELOPMENT MANAGEMENT PERFORMANCE 2019/20 QUARTER 3.

### 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 Q3 (October to December 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

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

3.2.2 Planning application performance for quarter 3 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

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.

<b>Indicator</b>	2016/17	2017/18	2018/19	2019/20 Q2	<b>2019/20 Q3</b>
Percentage of <b>appeals</b> against refused applications dismissed	59%	72%	54%	50%	<b>100%</b>

3.3.2 Appeal performance for Quarter 3 has improved significantly in terms of previous quarters, it is hoped that appeal decisions will continue at the higher level and performance continue 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 3, with key information associated with a selection of the appeals detailed in Appendix 1 below.

<b>Decision type</b>	<b>No. of appeals dismissed</b>	<b>No. of appeals allowed</b>
Delegated	1	0
Committee, in accordance with recommendation	1	0
Committee, departure from recommendation	1	0

### 3.5 DEVELOPMENT OF THE SERVICE

3.5.1 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?

3.6.1 This report has shown that in quarter 3 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.

3.6.2 Our appeal record for the third quarter of the year has significantly improved and it is hoped that it will raise the overall average for the year which has stabilised at the

low 50% range, it is hoped that this quarters successful appeal decisions can continue for the remainder of 2019/2020.

#### **4.0 SECTION 106**

4.1 No Section 106 agreements have been signed and no contributions have been received this quarter.

#### **5.0 Consultation and Feedback (including Scrutiny Committee)**

5.1 No consultation has been carried out.

#### **6.0 Next Steps**

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

#### **7.0 Financial Implications**

7.1 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.

#### **8.0 Legal and Governance Implications:**

8.1 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.

#### **9.0 Equality and Safeguarding Implications:**

9.1 No Equality or Safeguarding implications have been identified.

#### **10.0 Community Safety Implications:**

10.1 No Community Safety implications have been identified

#### **11.0 Other Implications**

11.1 No wider implications have been identified

**12.0 Risk & Mitigation:**

12.1

<b>L I K E L I H O O D</b>	<b>A</b>	<b>Very High</b>				
	<b>B</b>	<b>High</b>				
	<b>C</b>	<b>Significant</b>		1		
	<b>D</b>	<b>Low</b>				
	<b>E</b>	<b>Very Low</b>				
	<b>F</b>	<b>Almost Impossible</b>				
			<b>Negligible 1</b>	<b>Marginal 2</b>	<b>Critical 3</b>	<b>Catastrophic 4</b>

**IMPACT**

<b>Risk No</b>	<b>Risk Description</b>
<b>1</b>	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: 14/02/2019

**Exempt Reports**

N/A

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

N/A

**Report Author & Job Title**

L Parker: Development Manager

: 01664 50375

**Appendix One: Review of appeal decisions for Quarter 3 2019/2020 decisions**

**Proposal: 19/00199/FUL Erection of a new grain store – Agriculture House, Iford Station, Melton Road, Scalford.**

**Level of decision:** Not Determined

**Reasons for refusal:**

1 The submitted appeal statement set out the grounds on which the Council would have refused planning permission if it had been in apposition to determine the application as well as other outstanding concerns.

**Inspectors Conclusion:** Dismissed

The main issues were the effect of the proposal on the character and appearance of the area; the living conditions of neighbouring occupiers with particular regard to noise and disturbance and highway safety.

**Character and appearance**

The inspector found that the development would have a detrimental effect on the character and appearance of the rural landscape. Consequently, in that regard, the development would be contrary to Policies D1 (Raising the Standard of Design) and EN1 (Landscape) of the Melton Borough Local Plan 2011-2036 (2018) (MLP) which amongst other things state that new developments should be of a high quality of design and that the character of Melton Borough's landscape and countryside will be conserved and, where possible, enhanced by ensuring new development is sensitive to its landscape setting.

The inspector also found that the proposal would also conflict with the National Planning Policy Framework (the Framework) which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and that decisions should enhance the natural local environment by amongst other things recognising intrinsic character and beauty of the countryside.

**Living Conditions**

The inspector was not persuaded from the evidence before them that the development would increase the levels of noise and disturbance experienced by neighbouring occupiers. Consequently, in that particular regard, the proposal would comply with Policy D1 (Raising the Standard of Design) of the LP and paragraph 127 of the Framework which promotes a high standard of amenity for existing and future users.

**Highway Safety**

The inspector concluded that the anticipated reduction in vehicular movements as a result of the additional storage capacity on site would not have a detrimental

effect on highway safety. Consequently, in that regard, the proposal would comply with Policy D1 (Raising the Standard of Design) of the LP. The development would not conflict with Paragraph 109 of the Framework which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

**Proposal: 18/01434/FUL Demolition of exiting dwelling, erection of a replacement dwelling, demolition of outbuildings/farm buildings and erection of three dwellings, alterations to access, provision of parking and associated works – Penlan 21 Baggrave End, Barsby**

**Level of decision:** Committee

**Reasons for refusal:**

1. Other than the replacement dwelling proposed, the proposal would result in the erection of three market dwellings, without a convincing case to demonstrate a proven local need for the proposal. The development is in a location where there are limited local amenities, facilities and jobs, and where future residents are likely to depend highly on the use of a private motor vehicle. The proposal is therefore contrary to Policy SS3 of the Melton Local Plan which states that in Rural Settlements, such as Barsby, new housing development has to meet a proven local need as identified by substantive evidence. In the opinion of the Local Planning Authority, the proposal is not supported or justified by the required substantive evidence that would demonstrate compliance with Policy SS3, and would justify the granting of planning permission in this case.
2. In the opinion of the Local Planning Authority, the scheme, by reason of its form, scale, design and layout, would give rise to an over intensive, cramped development that is urban in nature and out of character with this village location, and not sympathetic to the site surroundings. The proposal, by reason of the siting, design and massing of the proposed dwellings, with their restricted amenity areas, would result in an obtrusive development that would be over bearing, and detrimental to the outlook, privacy and amenity of neighbours and neighbouring properties. For these reasons, the proposal is considered to conflict with Policy D1 of the Melton Local Plan, which requires all new development to be sympathetic to the character of the area, and that the amenity of neighbours and neighbouring properties should not be compromised.

**Inspector's conclusions:** Dismissed

The main issues were (i) whether the proposal would be in a suitable location for housing with regard to the accessibility of services (ii) proven local need; (iii) the effect on the character and appearance of the area; and (iv) on the living conditions of the occupiers of the neighbouring properties by way of visual impact, outlook and privacy.

**Accessibility of Services**

The inspector concluded that the proposal would not be in a suitable location for housing with regard to the accessibility of services. As such, it would not comply

in this respect with Policy SS3 in relation to its approach to housing development on unallocated sites in rural settlements.

### **Proven Local Need**

The inspector was not unsympathetic concerning why the respondents consider they need to reside in Barsby. This does not though equate to a proven local need for the purposes of Policy SS3 for the reasons set out in the appeal. If the bar was set at this level in allowing new housing development in rural settlements, it would undermine the overall plan-led approach of where new housing development should be provided. The same applies as regards whether the allocated site in Gaddesby would come forward in sufficient time to meet the housing aspirations of the respondents.

The inspector concluded that the proposal would not meet a proven local need and accordingly, it would also not comply with Policy SS3 in this regard.

### **Character and Appearance**

The inspector felt that overall, the benefit to the setting of the conservation area from the replacement dwelling would not justify the proposal in broader character and appearance terms, when the form and layout of the proposal to the rear is considered.

The inspector concluded that the proposal would have an unacceptable effect on the character and appearance of the area. Thus, it would not comply in this regard with Policy D1 of the LP which states that all new developments should be of high quality design and sets out a number of related criteria including that the siting and layout must be sympathetic to the character of the area, and that buildings and development should be designed to reflect the wider context of the local area and respect the local vernacular without stifling innovative design, amongst other considerations.

### **Living Conditions**

With the arrangement of the proposed dwellings on the site, the rising ground levels to the rear would also not unduly impact on the effect on living conditions. The proposed car ports structures, whilst close to the boundaries, would be diminutive. The amenity, or garden, areas of the proposed dwellings would be of a commensurate size and so would not be overly restricted.

The inspector concluded that the proposal would not be unacceptable as regards the living conditions of the occupiers of the neighbouring properties by way of visual impact, outlook and privacy. Therefore, it would comply with Policy D1 of the LP in this regard where it states that the amenity of neighbours and neighbouring properties should not be compromised.

### **Planning Balance**

In relation to the adverse impacts, there would be conflict with Policies SS3 and D1 of the LP as regards the accessibility of services, proven local need and character and appearance. The harm that would arise would be significant and so therefore would be the conflict with these policies. The weight to be attached to what are modest benefits would be limited. On an overall basis, the benefits that would arise would not outweigh the harm. The presumption in favour of sustainable development under the Framework does not lend support to the proposal.



**Proposal: 19/00365/FULHH Side and front extension to form an annex and a two storey rear extension to include demolition of existing garage – 42 Avon Road, Melton Mowbray**

**Level of decision:** Committee

**Reasons for refusal:**

1. The proposal represents an over-intensive use of the site by virtue of the width, mass and forward projection of the proposed extensions, which would result in an adverse impact on the street scene, would not be sympathetic to the area and fails to protect the amenities of neighbours. It would therefore be contrary to Policy D1 of the Adopted Melton Local Plan 2018.

**Inspector's conclusions:** Dismissed

The main issues were the effect of the proposal on the character and appearance of the host property and the surrounding area

And

The effect of the proposal on the living conditions of the occupiers of 30 Derwent Drive with particular reference to outlook.

**Character and appearance**

The proposal would be harmful to the character and appearance of the host property and the surrounding area. This would be contrary to Policy D1 of the Melton Local Plan (Local Plan) which requires all new developments to be of high quality design and that siting and layout must be sympathetic to the character of the area (a). It would also be at odds with paragraph 130 of the National Planning Policy Framework (the Framework) which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

**Living conditions**

The proposal would cause no harm to the living conditions of the occupiers of No 30 with particular reference to outlook. As such, there would be no conflict with Local Plan Policy D1 which states that the amenity of neighbours and neighbouring properties should not be compromised by development proposals (d). Furthermore, the proposal would not be at odds with paragraph 127 (f) of the Framework which advises that decisions should ensure that developments provide a high standard of amenity for existing and future users.

**Other matters and planning balance**

The scheme as a whole has been carefully considered and designed over a number of years to meet the family's social and medical care needs. These are benefits of the proposal which count in its favour. However, even taken together they are insufficient to outweigh the harm that would be caused in relation to the

first main issue in this case and the proposal's conflict with the development plan in this regard.

The inspector considered the Equality Act 2010 and the Public Sector Equality Duty (PSED). Section 149 (7) of the Act sets out the relevant protected characteristics which include disability and age. Since there was potential for the decision to affect persons with protected characteristics, due regard was had to the three equality principles set out in Section 149 (1) of the Act.

A two storey rear extension on the property's north side to provide a study and en-suite double bedroom above also forms part of the proposal. No objections to this element of the scheme are raised by the Council and I see no reason to come to a different view on this matter. Despite the concerns of local residents, the Council raises no objections to the proposal as a whole in terms of highway safety and car parking provision or the privacy of nearby occupiers. The absence of harm in all these regards counts neither for, nor against the proposal. The inspector's findings in relation to the second main issue are also neutral in the planning balance.