

## PLANNING COMMITTEE - 30 MARCH 2021

### DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

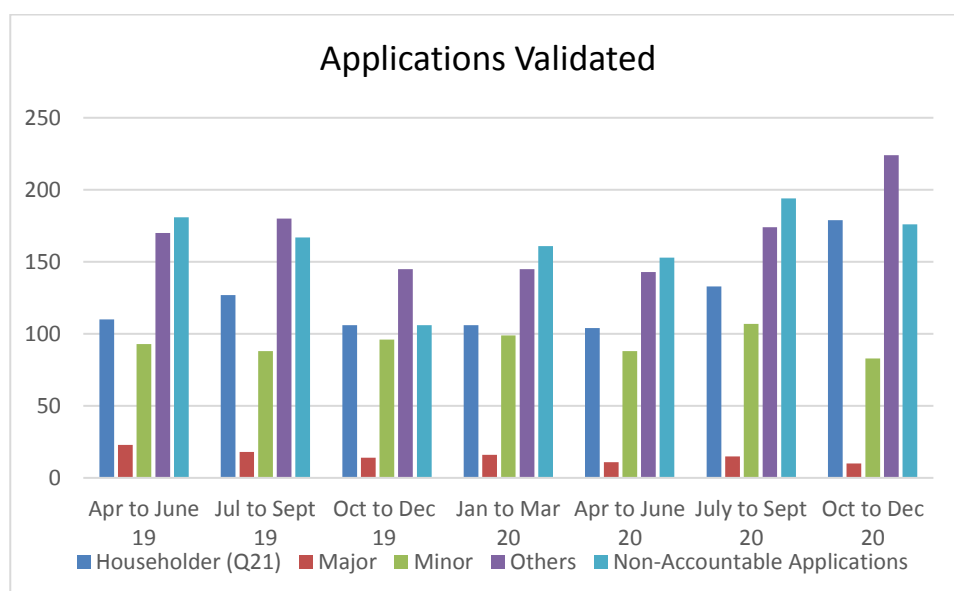
#### **1.0 Purpose of Report**

1.1 This report relates to the performance of the Planning Development Business Unit over the three month period October to December 2020. However, in order for the latest quarter's performance to be understood in context, in some areas data going back to January 2019 is provided. The performance of the Planning Enforcement team is provided as a separate report.

1.2 It is hoped the following information is useful and provides insight into the activities undertaken by the section.

#### **2.0 Application Numbers**

2.1 The graph below show the number of applications that have been received as valid each quarter from January 2019 up until December 2020. They are presented in line with the Council's reporting to Government. Definitions of what each application type constitutes is provided below the graph. In the third quarter of 2020/21, a total of 873 applications were received. This, compared to the same quarter in 2019/20 shows an increase from 690 or a 26% increase in workload. The biggest increase in numbers are tree applications where applications have increased by more than 100% from 94 applications to 192. All other categories remain relatively consistent. Taking account of the impact of the Covid-19 pandemic on the economy, it would appear from the first 3 quarters that there has not been a significant change in activity for planning, however monitoring over the coming months will determine whether this is the case.



Major applications are those with 10 or more dwellings, sites of 1 hectare or more, or provision of 1,000m<sup>2</sup> new floor area or more.

Minor applications include (but are not limited to) up to 9 dwellings, gypsy and traveller sites and commercial proposals not falling within the major category.

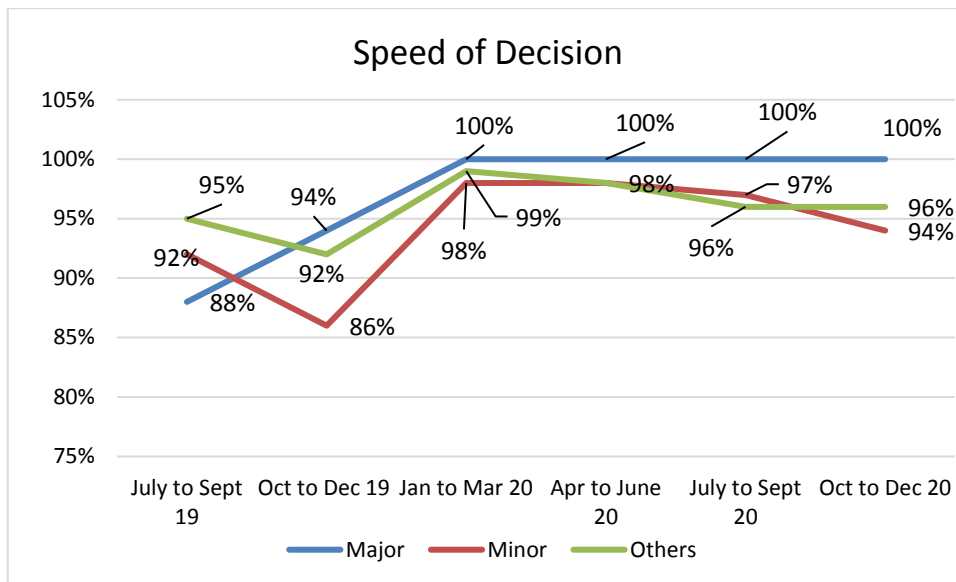
Others include (but are not limited to) householder, advertisements and listed building applications. However, for the benefit of the above graph, householders have been extracted from the others category.

The 'non countable' category are those applications which are not reported to the Ministry for Housing, Communities and Local Government (MHCLG). Such applications include, but are not limited to: prior approvals, discharge of conditions, etc.

From the graph above, it can be seen that non-countable and others generally comprise the highest numbers, with householders shortly behind. For the previous quarter however, the number of householder proposals are at a comparable level with others and non-countable for all of the previous quarters. This is not surprising based on the larger scale of development major and minor predominantly comprise (and thus fewer are submitted).

### **3.0 Performance**

- 3.1 Government (MHCLG) monitor planning authorities on their speed of making decisions in relation to major and non-major applications. The target at national level is to determine 60% of major applications within the statutory period of 13 weeks or subject to the agreement of a time extension over a rolling two-year period. From quarter 4 2018 to quarter 3 2020, 94% of major applications have been determined within these timescales. For non-majors, it is 70% over a two-year period. From quarter 4 2018 to quarter 3 2020, 92% of non-major applications have been determined within these timescales. These targets are challenging when taking account, in accordance with the National Planning Policy Framework, to work positively and proactively with applicants in determining applications i.e. trying to find solutions as opposed to refusing a planning application that might be amended. However, it can be seen that performance has significantly exceeded these targets.
- 3.2 For authorities who under-perform against their national target, they will be classed as 'poorly performing' and applications for major development may be made by developers directly to the Planning Inspectorate. The Council would not receive the fees for these but would be expected to deal with all of the associated administration.
- 3.3 The following graph relates to the percentage of planning applications determined within set timescales.



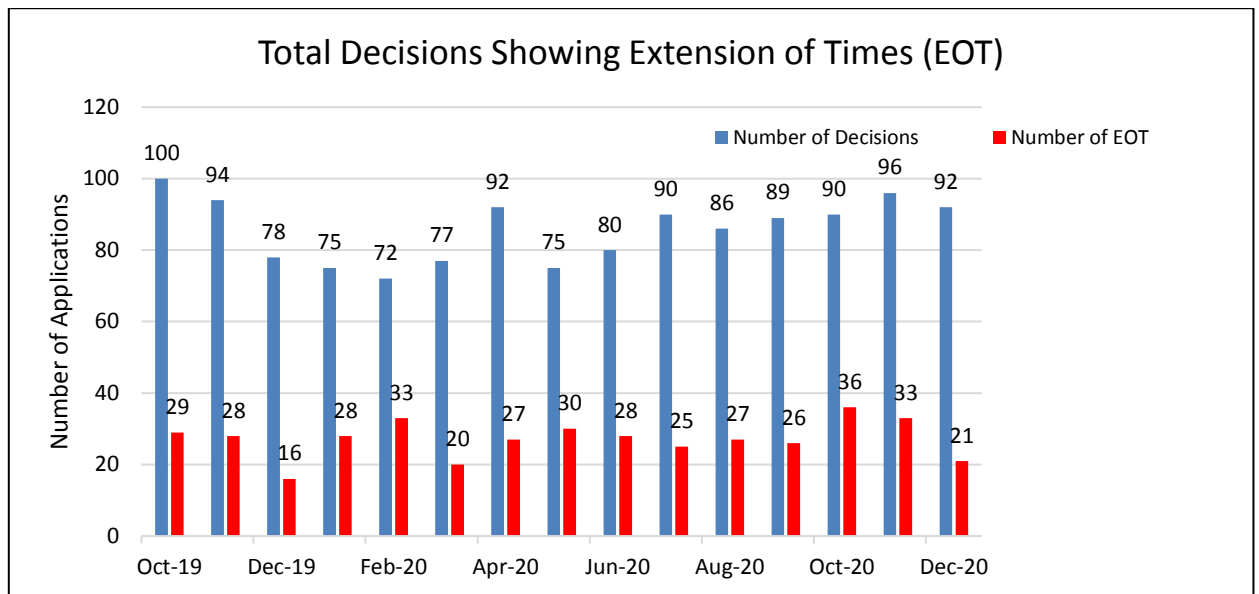
3.4 Over the previous four quarters, performance for majors has remained at 100% increasing from 94% and 88% in the second and third quarters of 2019. Minors has reduced slightly from 98% to 97% to 94% and for others has remained at 96% compared to the quarter. As Members will be aware, since April last year Officers have worked solely from home. There has been a little fluctuation in the performance over the previous 12 months since January, but overall the graph demonstrates how the team has been able to maintain and exceed previous performance.

3.5 These targets continue to be achieved due in part to seeking time extensions for dealing with the applications beyond their statutory time period from applicants. Time extensions might be sought for a variety of reasons but might include seeking negotiations, complex and/or controversial proposals and items presented to Committee. Time extensions do not go against the authority in terms of speed of decision making when reporting. However, Members will be aware that the White Paper is suggesting that the determination timescales set out in legislation should be adhered to and are looking to potentially implement this as part of the overall planning changes.

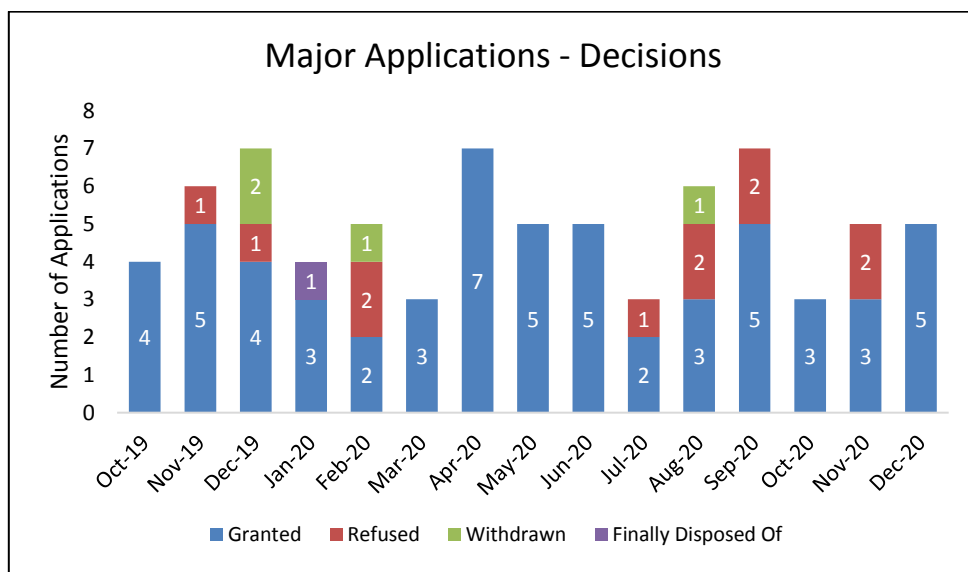
3.6 The graph below shows the total number of applications determined each month in blue and alongside, those in red are the number of applications where time extensions have been sought of those determined. Seeking time extensions means that case officer workloads increase overall which makes dealing with newer applications on time more challenging. Over the longer term, approximately one third of all applications determined are subject to a time extension. It is hoped, following recent recruitment, that it might be possible to reduce the number of applications with time extensions and following that also reduce the overall time taken to determine planning applications. New local performance targets have been introduced addressing the speed of decision making for major and minor planning applications. As longer term monitoring takes place details will be provided as a better understanding is obtained. Alongside this reporting, a review will be undertaken in due course of processes to try and assist in issuing decisions more speedily.

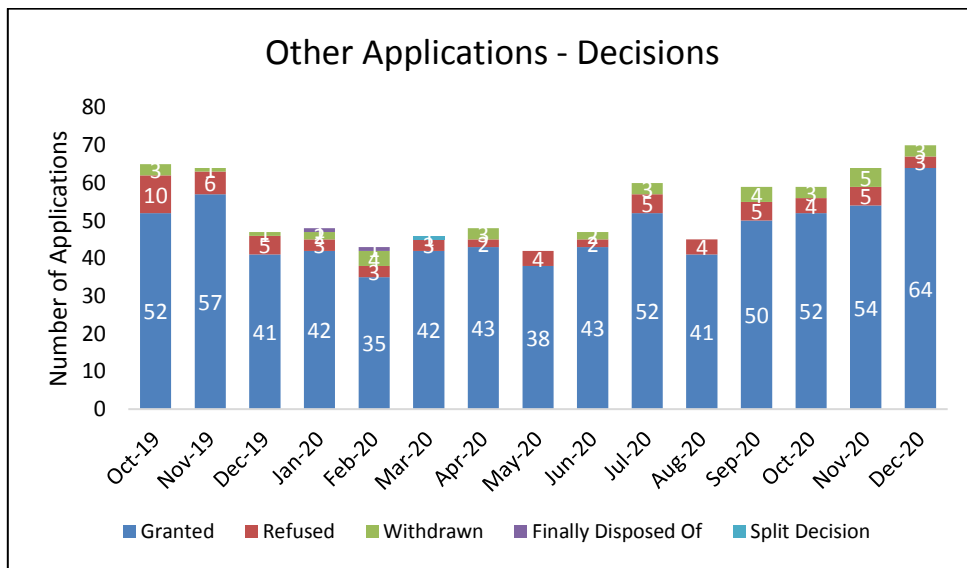
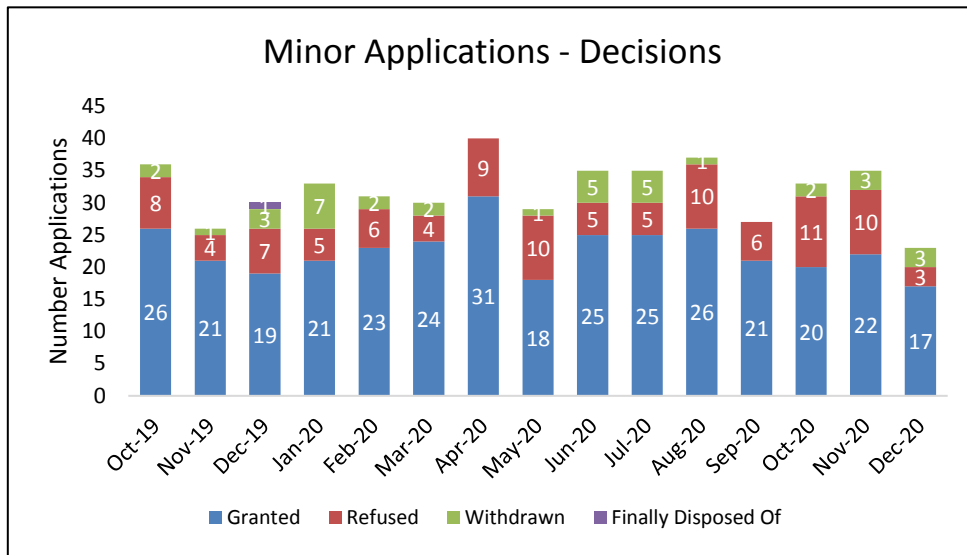
Caution needs to be given in relation to providing a quick decision. For example, it would be theoretically possible to determine all applications within statutory timescales without a request for a time extension. However, this would likely mean that a significant number of applications would be refused due to the inability to negotiate leading to complaints and

resubmission of applications which in the majority of instances would not be subject to a further planning application fee.



3.7 Of the decisions reported above, the following graphs show the number of decisions that were granted, refused, split (i.e. part granted and part refused) and withdrawn across the major, minor and other categories. The only types of applications where a local planning authority is able to issue a split decision are for advertisement and tree applications unlike the Planning Inspectorate who is able to do this for all application types. All three graphs demonstrate that the majority of applications are granted (cumulatively approximately 81% across the 3 months). Withdrawals (total of 19) are not reported as part of our overall performance to government but will still have involved a significant amount of work by the case officers. These applications are frequently resubmitted, often as a ‘free go’, whereby no fee is payable. Finally disposed of applications are those which have gone beyond the time period for determination and the time period for making an appeal has expired and the applicant has not engaged in further discussions regarding the proposal, notwithstanding the department’s attempts to engage.





## 4.0 Tree Applications

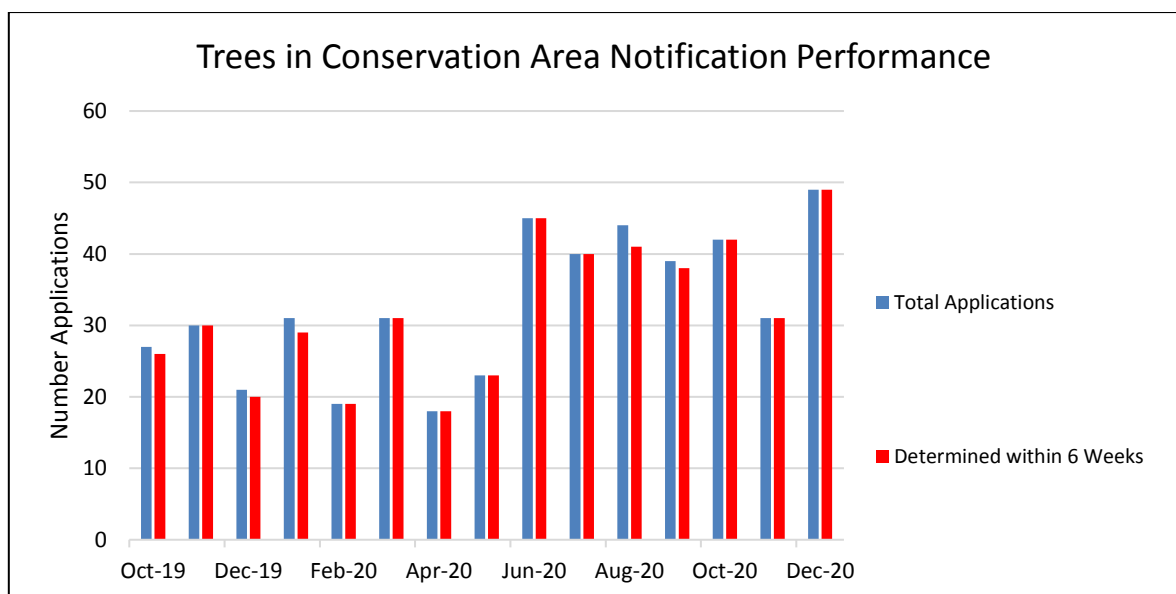
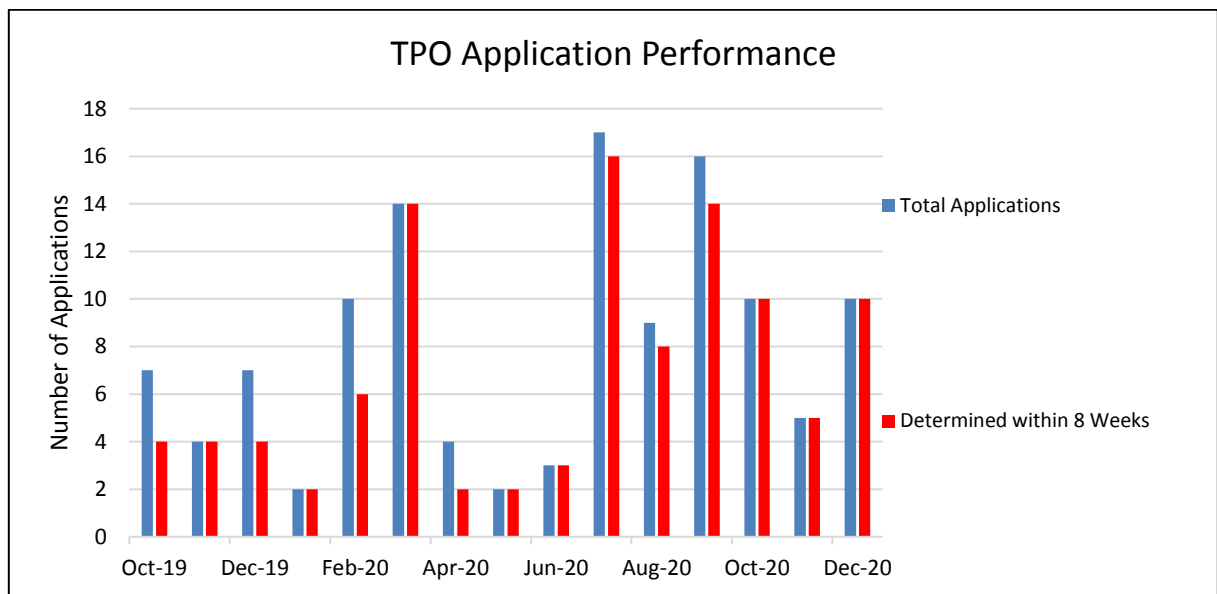
4.1 Trees are a valued amenity contribution to the character of the District. Those that are subject to a Tree Preservation Orders (TPOs) or within a Conservation Areas require consent from the Council before works are commenced. In relation to unprotected trees within a Conservation Area, the consent seeks the Council’s decision as to whether or not the tree has the necessary amenity criteria such that it should be subject to a Preservation Order. These criteria include consideration to:

- Its condition and suitability
- Its remaining longevity (in years) and suitability
- Its relative public visibility and suitability
- Other factors, such as whether it has historical value, its rarity, whether it is part of a group etc.

Where it meets these criteria, a TPO will be made. Applications for works to trees in Conservation Areas require the Council to make their determination within 6-weeks and the Order issued within this timescale. If a decision is not made by the first day of the 7th week,

the applicant may undertake the works that they were seeking consent for. These applications are not subject to a planning fee.

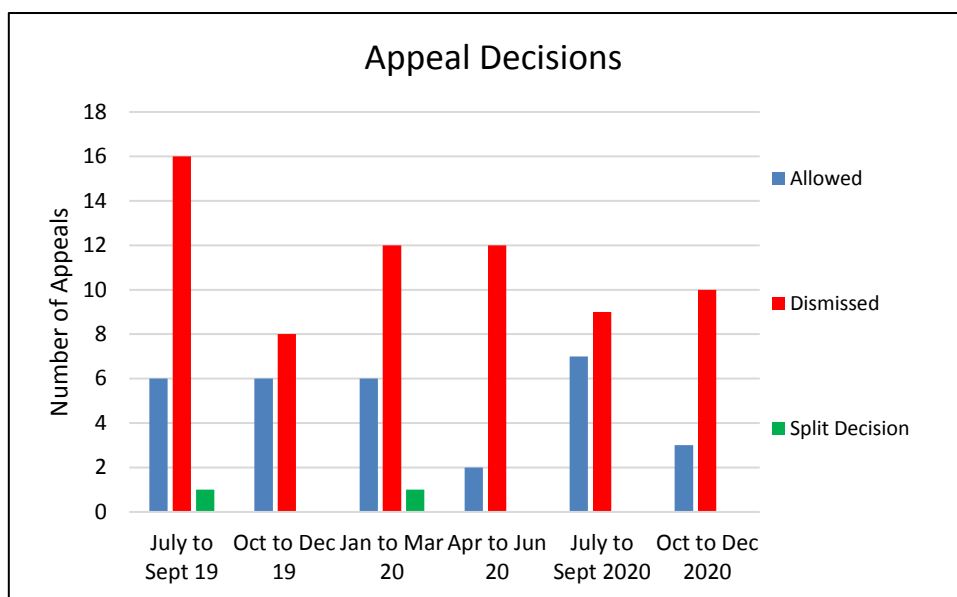
4.2 The following graphs show the number of TPO and Trees within a Conservation Area applications determined each month and whether they were determined within the statutory timescales. The number of applications received each month have no consistency making resourcing more difficult. It should be noted however that where the Officer identifies a potential risk to a tree of value, this is determined within the statutory period in order that further protection for the tree can be put in place.



## 5.0 Appeals

5.1 The chart below shows the number of appeals against planning applications and enforcement notices that have been allowed, dismissed and split (part allowed and part refused). It can be seen that the total number of appeals fluctuates quite considerably, and like Tree applications makes resourcing them a little challenging, with a need to balance appeal work against the number of applications a case officer is dealing with, where possible. Additionally, the type of appeal makes resourcing more challenging. There are 4 types of

appeal – inquiry, hearing, written representations and fast track with the amount of resource responding accordingly from very high to low. This quarter has seen a slight fall in the number of decisions compared to the previous quarter, from 16 to 13. It is anticipated this is largely due to Covid-19 and the Planning Inspectorate assessing how its appeal inspectors could work safely. The number dismissed exceeds the number allowed and is line with the Government’s previous target of having no more than 33% allowed. A review of appeal decisions will be provided as part of the next performance report which will analyse the whole financial year. Where a split decision has been issued, in terms of the Government’s monitoring, this is treated as a dismissal.



- 5.2 As well as the Government monitoring authorities in relation to performance for determining applications, it also monitors quality in relation to the number of major and non-major applications overturned (i.e. allowed) at appeal. The threshold is for fewer than 10% of major applications overturned at appeal over a rolling two-year period. For authorities who exceed this target, they will be classed as ‘poorly performing’ and applications for major developments may be made by developers directly to the Planning Inspectorate.
- 5.3 As of 1 April 2018 the Ministry of Housing, Communities and Local Government (MHCLG) implemented a threshold for quality of decisions for major and non-major applications at 10%. For clarification, this is 10% of all major decisions and all non-major applications (i.e. minor and others) decisions refused by the Council and subsequently overturned (allowed) at appeal over a rolling two-year period.
- 5.4 Data from government has not been updated since the quarter 1 report was presented to Members which showed the Council is significantly below the thresholds set out.
- 5.5 As well as the cost of administration of appeals, the Council must have regard to the potential to have costs awarded against it, should it be found that the decision, or the Council’s behaviour was unreasonable, such cases are reported to the Planning Committee. There have been no costs awarded against the Council in the previous quarter.

## **6.0 Updates**

- 6.1 Staffing – Since the previous report was presented, there has been some change in relation to staffing. One officer left the authority in November and recruitment is underway to find a replacement. A new starter joined in November (Isabel Verheul). Four other posts have been recruited to – Conservation Officer (Megan Atkinson); Heritage Action Zone (Charlotte Hetherington); Planning Apprentice (Joshua Harvey); Planning Support Officer (Maternity Cover) (Michael Read). The two conservation appointments will assist in delivering the Council’s ambitious heritage projects and also with the apprentice looking to improve the functionality of back office systems to assist in the delivery of the increased workload.
- 6.2 Workloads at present are very high due to the 2 public inquiries (PI) at Flowserve, Newark and Eakring Road, Bilsthorpe. Preparation for a public inquiry is significantly more intensive in relation to resources than an appeal dealt with either by written representations or a hearing. A PI in effect removes the case officer from being able to deal with any more than a handful of applications (for a full time employee) at any one time. With the increased workload reported earlier together with these inquiries, this is causing significant pressure on the rest of the team trying to meet performance deadlines.
- 6.3 Changes are being looked at in relation to the weekly list of planning applications received with the addition of the case officers name and phone number and a link to the application documents on the Council’s website. It is hoped these changes will make it easier for everyone to be able to speak to the right person and view plans etc.
- 6.4 Nationally, a number of changes that were temporarily made following the outbreak of the Covid-19 pandemic have been extended. These include:
- allowing the hospitality sector to extend pavement licenses for a further 12 months,
  - increased number of days for temporary events from 28 to 56 days is extended until 31 December 2021,
  - allowing restaurants and pubs/cafés to continue to serve takeaway food until March 2022.

Details are awaited regarding extending the time limit for holding virtual [planning] committees which is due to expire in May this year.

## **7.0 Equalities Implications**

- 7.1 None from this report

## **8.0 Financial Implications**

- 8.1 None from this report.

## **9.0 Conclusion**

- 9.1 Performance has continued to be met and exceeded, notwithstanding the need to work remotely due to Covid-19. The recent recruitment has and will enable further positive changes to be made to the service for the benefit of the District’s communities and businesses.



## **10.0 Community Plan – Alignment to Objectives**

### 10.1 Deliver inclusive and sustainable economic growth

Create more and better quality homes through our roles as landlord, developer and planning authority

Enhance and protect the district's natural environment

## **11.0 RECOMMENDATION**

**That the Committee note the contents of the report.**

### **Reason for Recommendation**

**To keep Members informed of the actions and progress of the Planning Department.**

### **Background Papers**

None

For further information please contact Lisa Hughes (Business Manager – Planning Development).

**Matt Lamb**

**Director – Planning & Regeneration**