

PLANNING COMMITTEE – 1 JUNE 2021

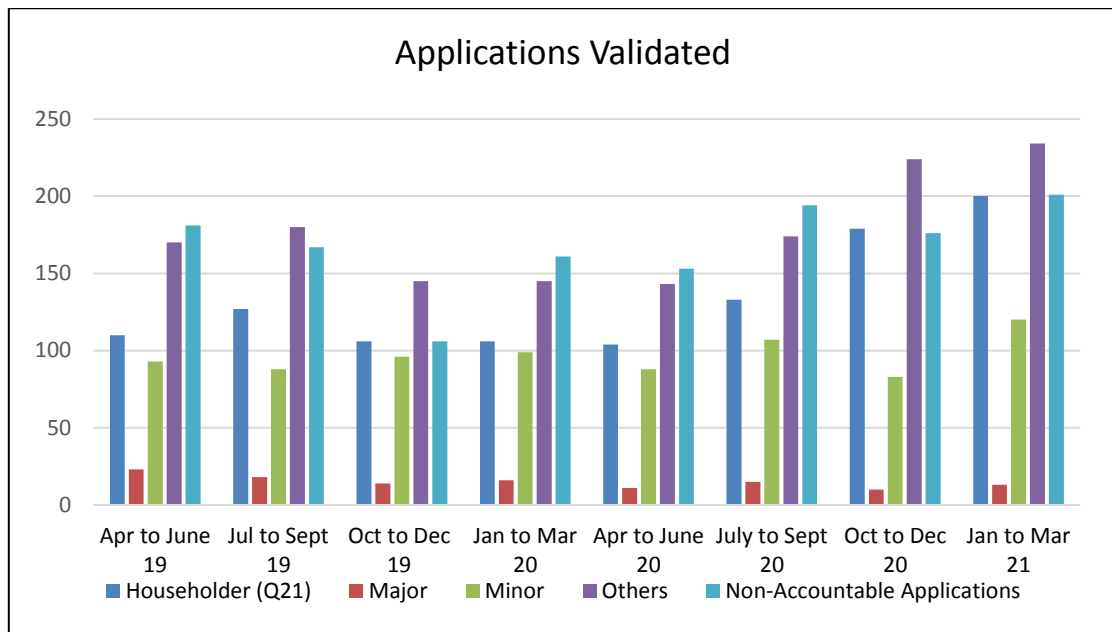
DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

1.0 Purpose of Report

- 1.1 This report relates to the performance of the Planning Development Business Unit over the three month period January to March 2021 as well as providing an overview of the performance and achievements across the financial year. 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 some of the activities undertaken by the department.

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 March 2021. 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 final quarter of 2020/21, a total of 1003 applications were received. This, compared to the same quarter in 2019/20 shows an increase from 780 or a 29% increase in workload. The previous report identified the biggest increase in numbers were for tree applications, however these have been overtaken by householders with an 89% increase of 200 applications compared to 106. However, trees and other applications are only slightly behind at 71% and 61% respectively. The only applications that have reduced in number are major proposals and requests for pre-application advice (19 and 14% respectively). Due to matters that need to be taken into account with householder and other applications including consultees and neighbours observations, there has been significant challenge in maintaining performance. The increase in these types of applications are also somewhat reflected in the number of applications being presented to Planning Committee this month. Comparing the number of applications received this financial year (3491) compared to the previous financial year (3103), it would appear the impact of the Covid-19 pandemic on the vibrancy of the development industry and thus economy is somewhat limited (overall increase in applications is 12.5%). It will be important to monitor the receipt of the number of major applications as these are the ones that are likely to have greatest impact in terms of housing and commercial delivery.



Major applications are those with 10 or more dwellings, sites of 1 hectare or more, or provision of 1,000m² 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.

Non-countable and others generally comprise the highest numbers quarter on quarter, with householders shortly behind. For the previous 2 quarters however, the number of householder proposals are at a comparable level with others and non-countable.

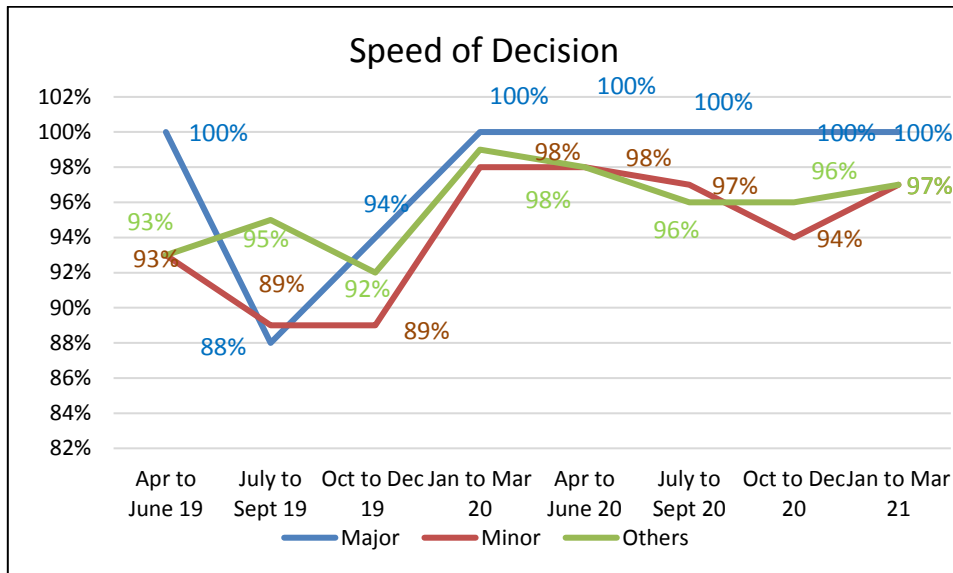
3.0 Performance

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 January 2019 to end of December 2020, 95% of major applications have been determined within these timescales. For non-majors, it is 70% over a two-year period. 93.5% of non-major applications over this same time period 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.



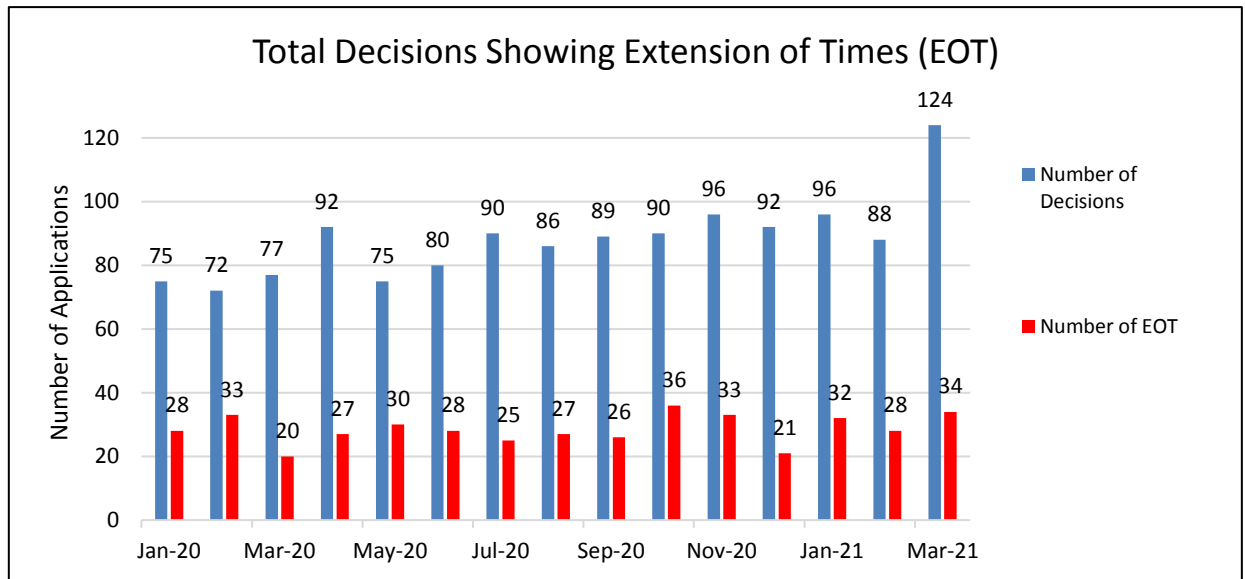
3.4 Over the previous financial year (and final quarter of 2019/20), performance for majors has remained at 100%. Minors have returned to 97% having dropped very slightly in the two previous quarters. Others has increased slightly from 96% to 97% compared to the quarter. As Members will be aware, since 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. This performance is set against the overall increase in workload and changes in personnel.

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.

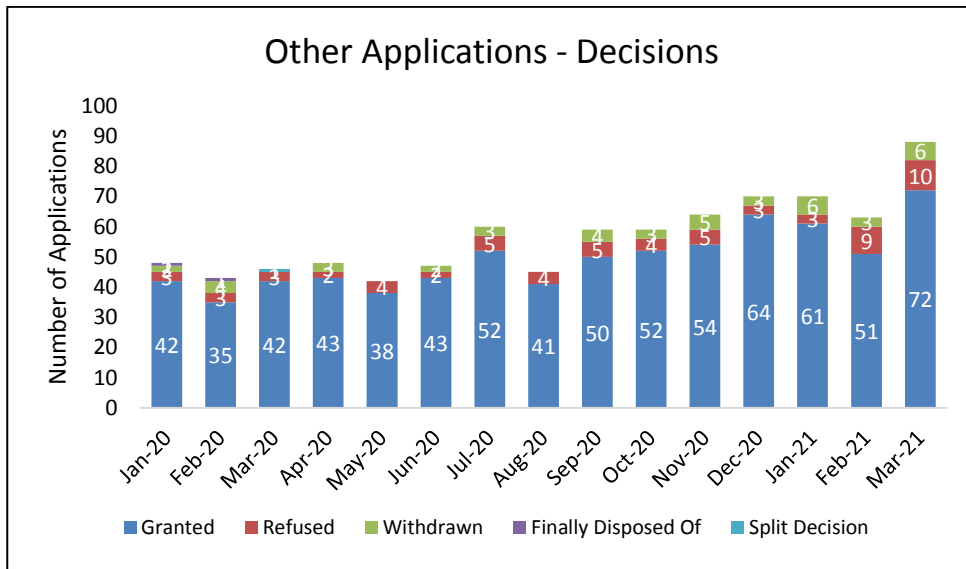
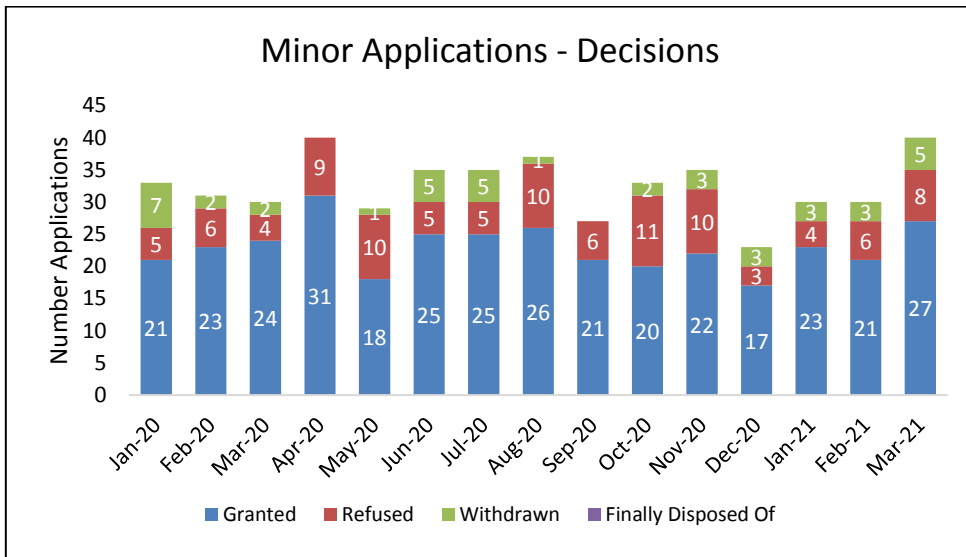
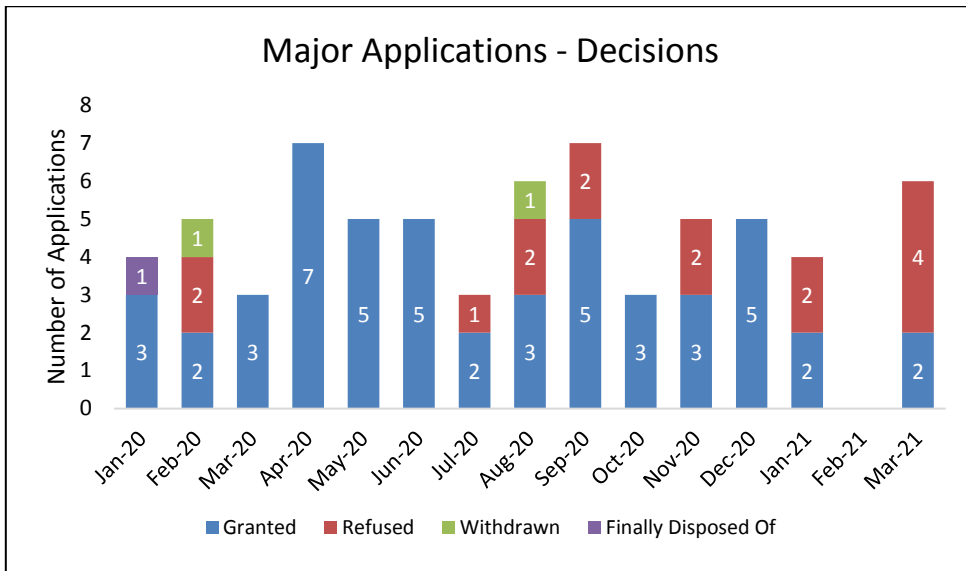
3.6 The graph below shows the total number of applications determined each month in blue and alongside, those in red are the number of applications where time extensions have been sought of those determined. Seeking time extensions means that case officer workloads increase overall which makes dealing 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. However, this has been challenging due to the increase in receipt of applications received as set out within paragraph 2.1. New local performance targets have been introduced addressing the speed (in terms of the number of days) of decision making for major and minor planning applications. Alongside

this reporting, a review will be undertaken in due course of processes to try and assist in issuing decisions more speedily.

Notwithstanding this local performance target, 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, reputational damage and resubmission of applications which in the majority of instances would not be subject to a further planning application fee.



3.7 Over the previous year, the number of decisions issued quarter on quarter has increased from 247 in April-June 2020 to 308 in January to March 2021 reflecting the increased number of applications received. 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 78%, 73% and 92% across the major, minor and other categories respectively). Major proposals for the previous quarter, however have had 60% refused. Withdrawals (79 across the year) 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

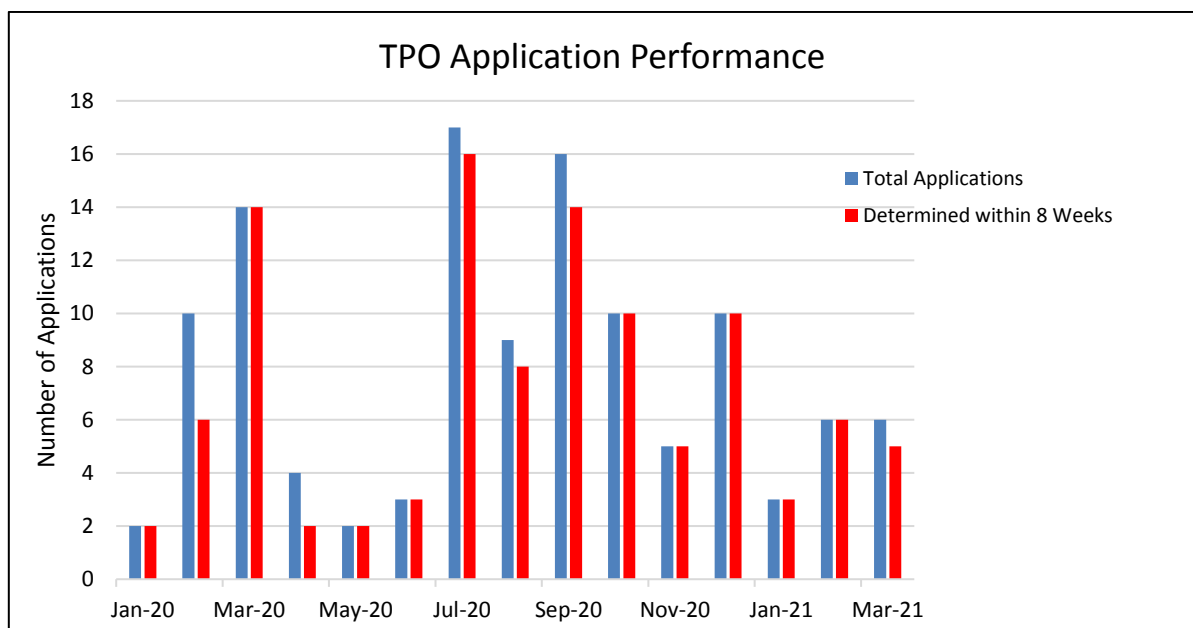
4.1 Trees are a valued amenity contribution to the character of the District. Those that are subject to a Tree Preservation Orders (TPOs) or within a Conservation Areas require consent

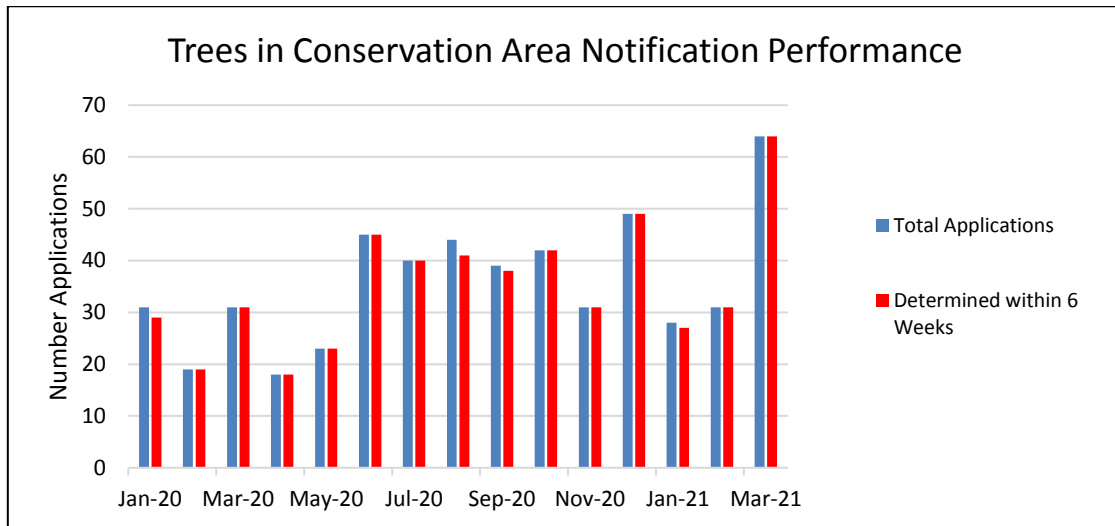
from the Council before works are commenced. In relation to unprotected trees within a Conservation Area, the consent seeks the Council's decision as to whether or not the tree has the necessary amenity criteria such that it should be subject to a Preservation Order. These criteria include consideration 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 (for trees within conservation areas), these applications are determined within the statutory period in order that further protection for the tree can be put in place.

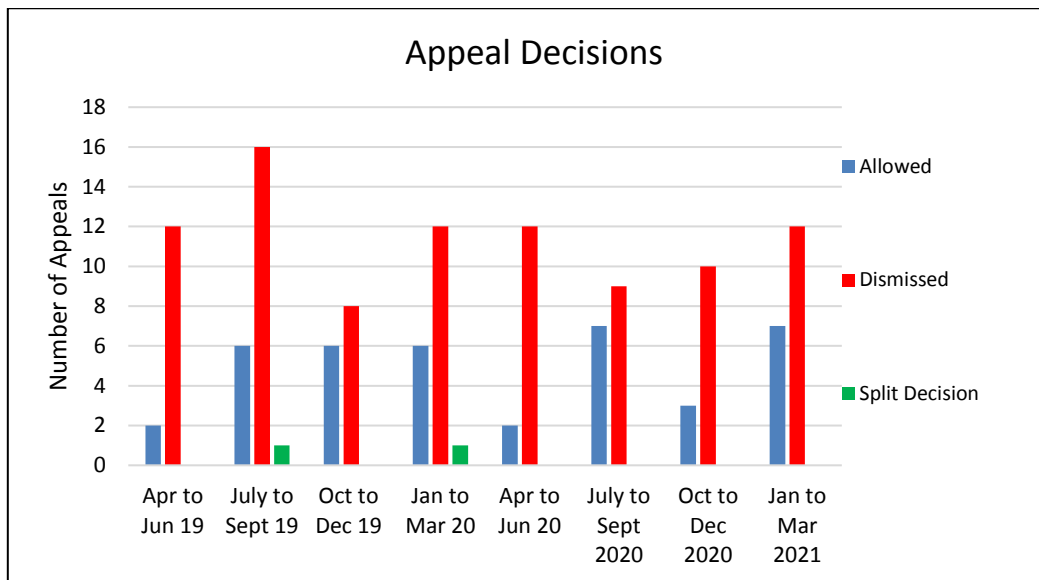




5.0 Appeals

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 challenging, with a need to balance appeal work against the number of applications a case officer is dealing with. 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 previous quarter has seen preparation for 1 planning inquiry (Eakring Road, Bilsthorpe and the holding of 1 inquiry (Flowserve), the latter across 3 days. The amount of resource invested into defending all appeals, but particularly inquiries, due to their interrogative nature cannot be underestimated. .

5.2 This quarter has seen a rise in the number of decisions issued compared to the previous quarter, from 13 to 16. Across the year, compared the previous financial year, the Inspectorate has issued 62 decision this year compared to 70 for the previous. 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%. Where a split decision has been issued, in terms of the Government’s monitoring, this is treated as a dismissal. Across the financial year, 31% have been allowed compared to 29% the previous year.



- 5.3 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.
- 5.4 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.
- 5.5 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. However, with the number of appeals allowed compared to the overall number of decisions made for each of the categories, the council will be significantly within these figures.
- 5.6 Alongside the processing of an appeal, the appellant and Council can both seek costs against the other party. Planning Practice Guidance sets out what might constitute grounds for a claim but this comprises unreasonable behaviour. A number of claims have been made against the Council across the year, all of which have been successfully defended with the exception of Springfield Bungalow, Halloughton Road, Southwell which relates to 2 decisions made by Planning Committee and an enforcement notice issued against a property in Southwell¹. In both cases the decisions went against the authority.

6.0 Updates

- 6.1 Staffing – Since the previous report was presented, there have been further changes to staffing. Two further planning officers have been recruited – Danielle Peck and Jamie Pegram. Members will recollect from previous performance reports that there has been a

¹ As the notice was dismissed, this no longer forms part of the public register and hence the address has not been provided.

number of changes in staff which makes meeting performance more challenging as each officer needs to become familiar with the character of the District, planning policies and processes. Notwithstanding this, the information provided above and within the accompanying planning enforcement report demonstrates that everyone has put in a huge effort to ensure performance for our customers has been maintained. The support of the Technical staff should also not go unrecognised as without them registering applications and issuing decisions, the Council would not be able to meet targets.

6.2 Legislation – the year has seen a huge amount of new legislation coming into force, the key ones having been presented in previous reports to the Committee. A further Statutory Instrument came into force on the 21st April (SI 2021 No. 428: *The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021*). This introduces further permitted development rights, including:

- Under Class MA to allow a change of use from commercial, business or service purposes to use as a dwelling house;
- A wider range of rights under Class M for schools, colleges, universities and hospitals (and certain prison buildings) to allow a wider range of development; and
- Removing rights for the demolition of certain commemorative structures that have been in place for 10 years or more (i.e. planning permission will be required).

6.3 Changes have been made to the weekly list to include the case officer's name, phone number and link to the planning application on the Council's website. In addition, the Council has updated the Planning Scheme of Delegation with the aim of overcoming the concerns raised by Members and Town/Parish Councils with the former Panel process.

6.4 Nationally, the Government published its White Paper, which the Council responded to. Since this time, there has been significant reporting of the changes that would result if implemented and Members will be updated on its progress.

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 both the need to work remotely due to Covid-19 and the increase in application numbers. This has been a very challenging year for numerous reasons but overall the department has been able to provide a service, whilst continually looking to improve the service received. 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