

## PLANNING COMMITTEE – 3 AUGUST 2021

### DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

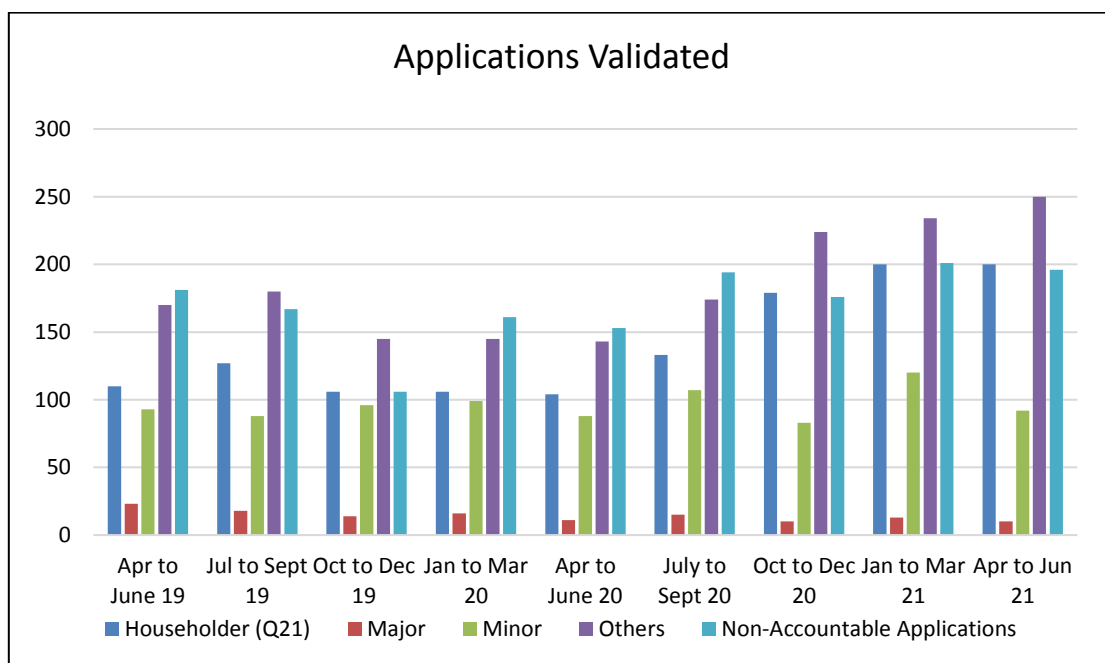
#### **1.0 Purpose of Report**

1.1 This report relates to the performance of the Planning Development Business Unit over the three month period April to June 2021. However, in order for the latest quarter's performance to be understood in context, in some areas data going back to April 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 June 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 first quarter of 2021/22, a total of 931 applications were received. This, compared to the same quarter in 2020/21 shows an increase from 720 or a 29% increase in workload. The biggest increase in numbers are, as for the previous quarter, householder applications where applications have increased by just slightly less than 100% from 104 applications to 200. However, 'other' applications have also significantly increased quarter on quarter with a 75% increase compared to the same quarter in 2020. Other increases are less pronounced e.g. 'non-countable' which show a 28% increase. All other categories remain relatively consistent. The numbers would appear to indicate that the Covid-19 pandemic is having little impact in terms of the built development.



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.

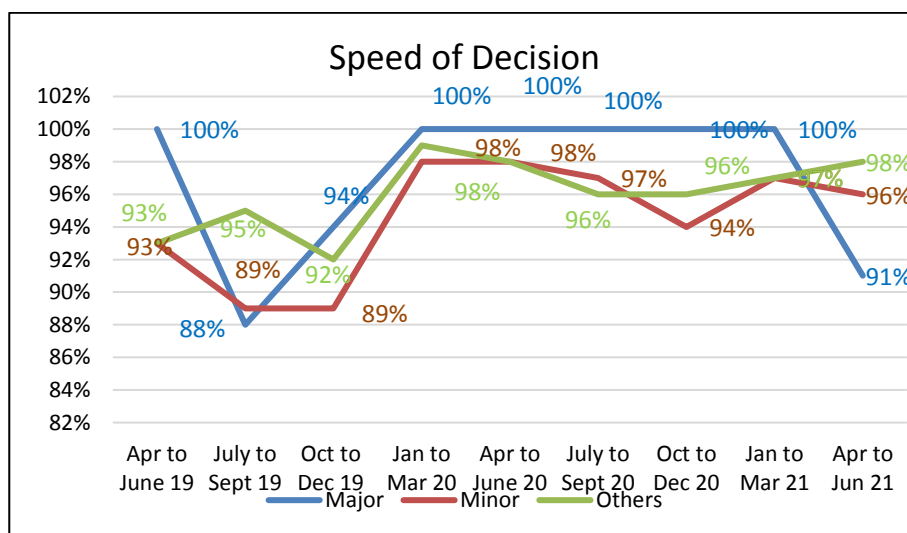
The 'non countable' category are those applications which are not reported to the Ministry for Housing, Communities and Local Government (MHCLG). Such applications include, but are not limited to: prior approvals, discharge of conditions, etc.

### 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 1 2019 to quarter 4 2021, 97.3% of major applications have been determined within these timescales (an increase of approximately 2% compared to the previous quarter's report). For non-majors, it is 70% over a two-year period. From quarter 1 2019 to quarter 4 2021, 95.3% of non-major applications have been determined within these timescales (an increase of approximately 3% compared to the previous report). 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.

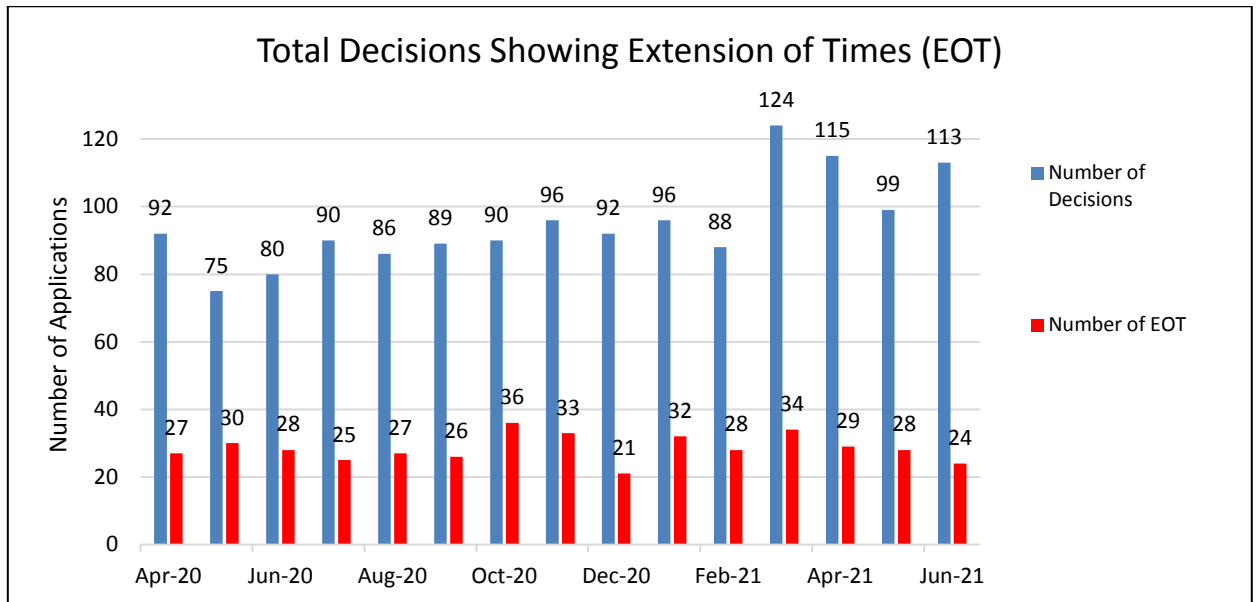
3.2 For authorities who under-perform against their national target, they will be classed as 'poorly performing' and applications for major development may be made by developers directly to the Planning Inspectorate. The Council would not receive the fees for these but would be expected to deal with all of the associated administration.

3.3 The following graph relates to the percentage of planning applications determined within set timescales.

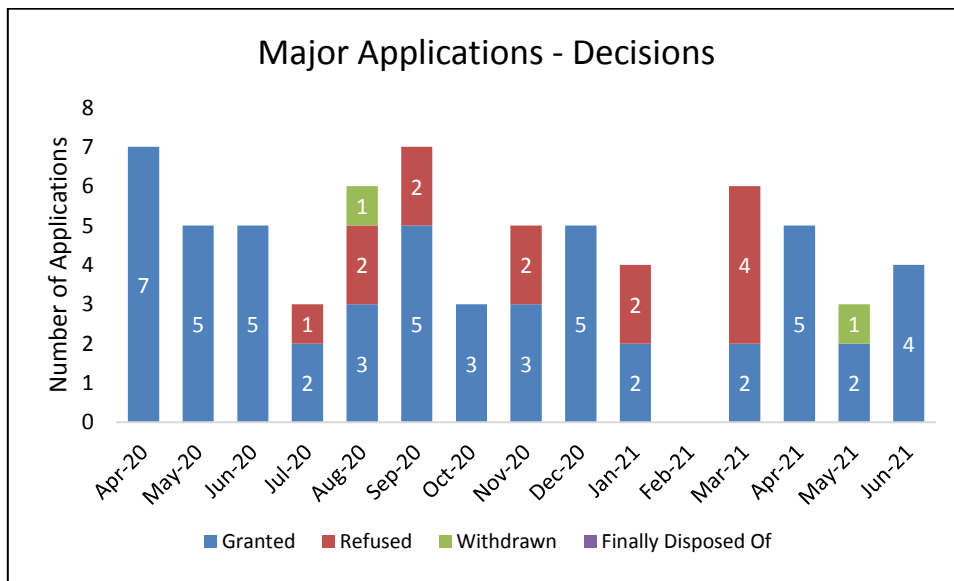


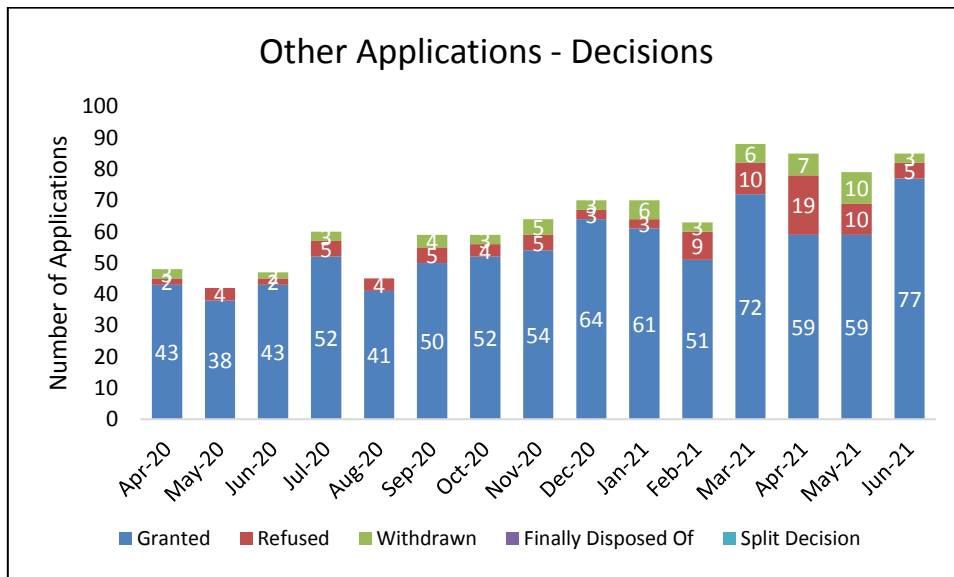
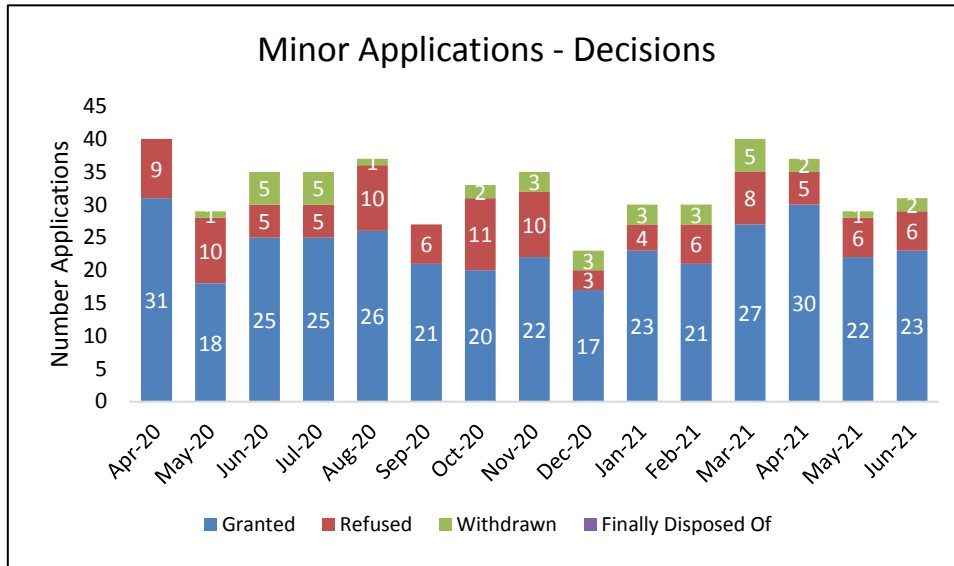
- 3.4 The previous quarter has seen a slight drop in performance for majors to 91% from 100%. This was as a result of 1 application being determined outside of its statutory timescale, but is still significantly above the national target. Minors has also dropped slightly from 97% to 96% and for others has increased from 96% to 98% compared to the quarter. As Members will be aware, since April last year Officers have worked solely from home. There has been some fluctuation in the performance over the previous 12 months, but overall the graph demonstrates how the team has been able to maintain and exceed previous performance, notwithstanding the overall increase in application numbers.
- 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. However, the percentage with a time extension reduced in the previous quarter to 21%. New local performance targets have been introduced addressing the speed of decision making for 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, following recruitment of a full complement of staff, 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 84% across the 3 months). Withdrawals (total of 26) 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

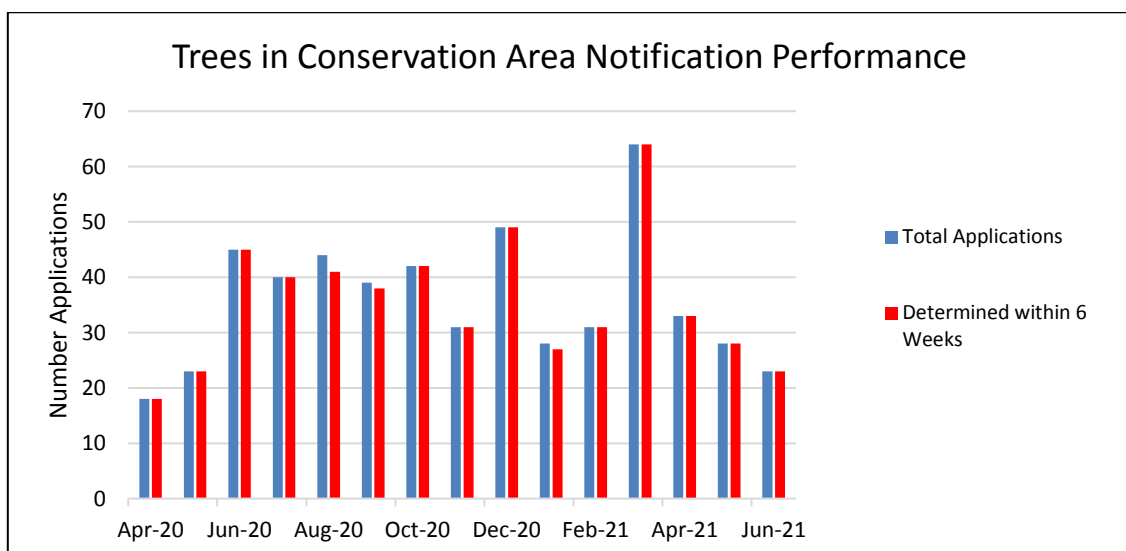
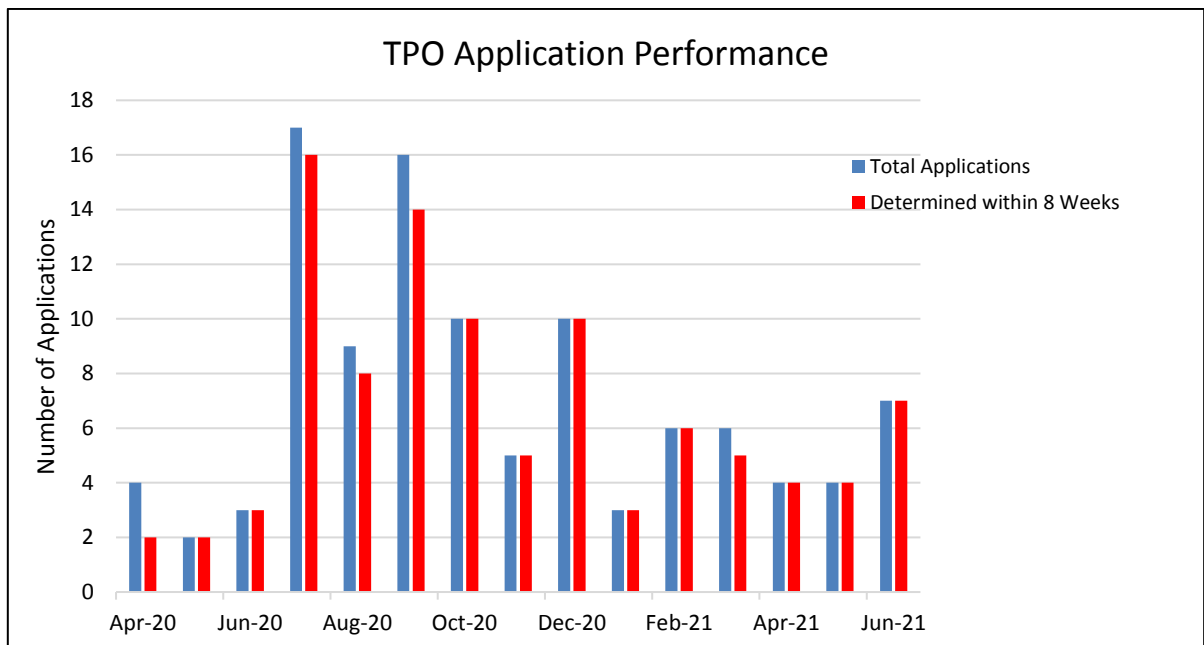
4.1 Trees are a valued amenity contribution to the character of the District. Those that are subject to a Tree Preservation Orders (TPOs) or within a Conservation Areas require consent from the Council before works are commenced. In relation to unprotected trees within a Conservation Area, the consent 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.

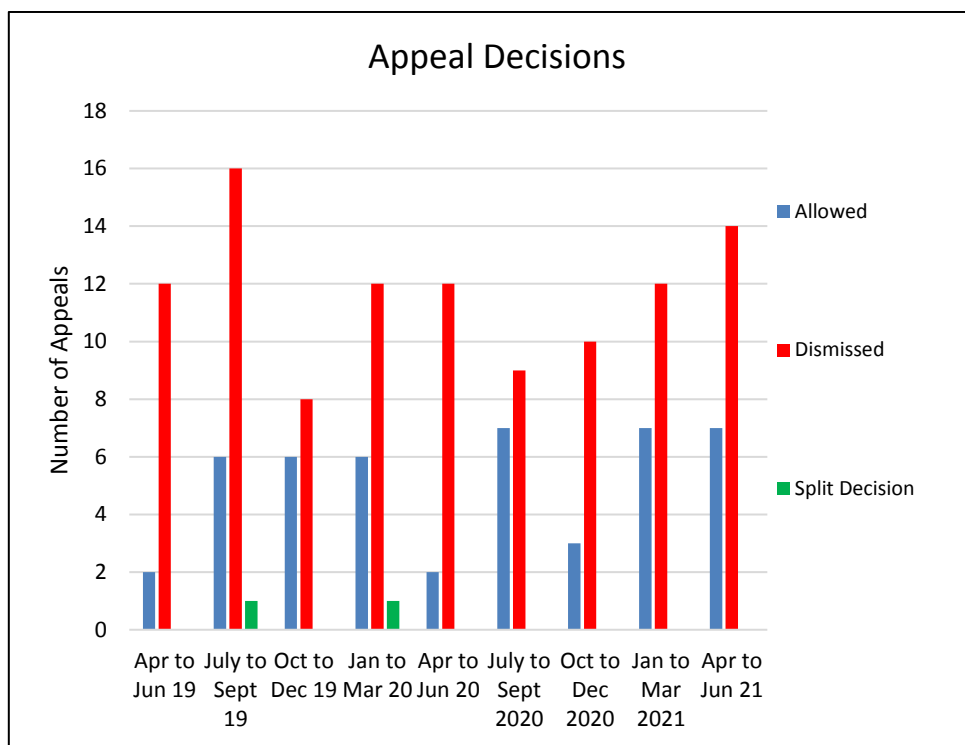
4.2 The following graphs show the number of TPO and Trees within a Conservation Area applications determined each month and whether they were determined within the statutory timescales. As can be seen, the number of applications received each month have no consistency making resourcing more difficult. It should be noted, with reference to the second graph below, 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 increase in the number of decisions compared to the previous quarter, from 19 to 21. The number dismissed exceeds the number allowed (21% for the previous quarter) and is line with the Government’s previous target of having no more than 33% allowed. 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. A partial costs award has been made against the Council in respect to Field Reference Number 7108. Eakring Road, Bilsthorpe. Details of the claim have not as yet been submitted

to the Council. In addition, a costs claim from the Council has been awarded against an appellant in relation to a hearing relating to works to 2 silver birch trees at 31 Centenary Close, Balderton. Discussions are underway in relation to the costs sought.

## **6.0 Updates**

6.1 Staffing – Since the previous report was presented, there has been little change in permanent staffing. However, significant endeavours are being undertaken to recruit a temporary resource to assist with the increased number of applications, impact resourcing of the 2 inquiries and sickness. Application numbers across the whole of the country have increased which is making finding suitable staff challenging.

6.2 Nationally, there have been further changes to legislation. These are generally more minor changes for the Council including the need for fire safety certificates for high-rise residential buildings, application fees for upward extensions to dwellinghouses. However, the National Planning Policy Framework was updated on 20<sup>th</sup> July. The updates place a greater emphasis on beauty, place-making, the environment, sustainable development and underlines the importance of local design codes.

## **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 increased number of applications and need to work remotely due to Covid-19. As resources permit. further positive changes will 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**