

PLANNING COMMITTEE – 2 NOVEMBER 2021

DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

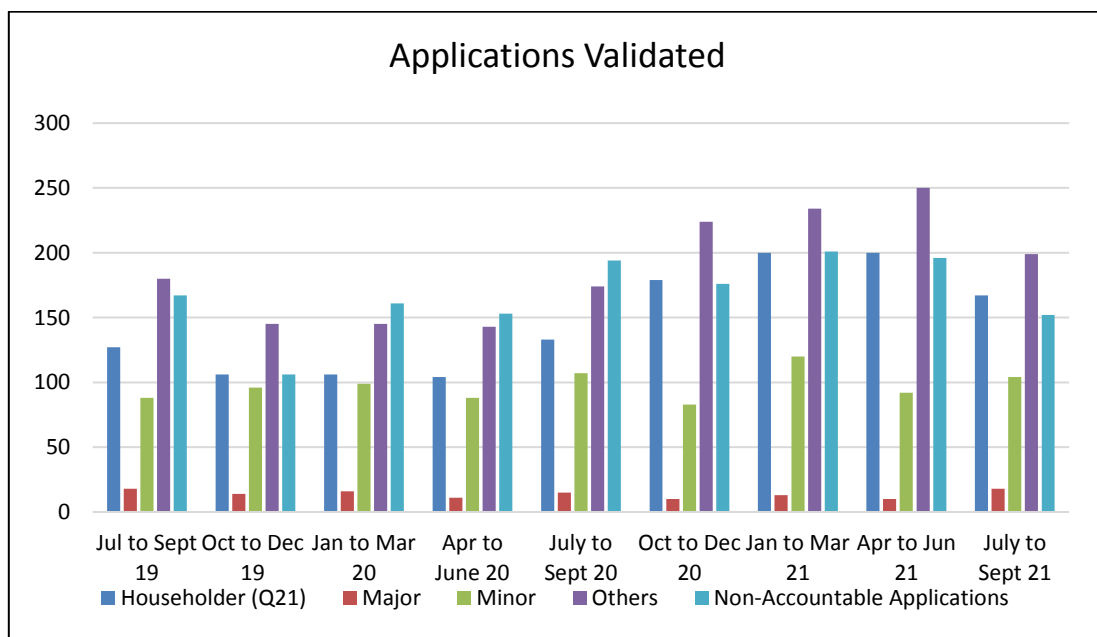
1.0 Purpose of Report

1.1 This report relates to the performance of the Planning Development Business Unit over the three month period July to September 2021. However, in order for the latest quarter's performance to be understood in context, in some areas data going back to July 2020 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 July 2019 up until September 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 second quarter of 2021/22, a total of 831 applications were received. This, compared to the same quarter in 2020/21 shows a slight decrease from 894 or a 7.6% decrease in workload. However, the major difference in numbers relates to Tree Works Applications which saw a drop of over 70 applications compared to the year before, with householder, majors and 'other' application all increasing. However, compared to the preceding quarter, all application types had reduced in numbers with the exception of majors (80% increase) and tree works (27%). As referenced below under Section 4, the fluctuating numbers of all application types being received makes resourcing more difficult to manage. There is still a marked trend of increased numbers year on year which does not appear to be either steadying or reducing to pre-pandemic numbers.



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.

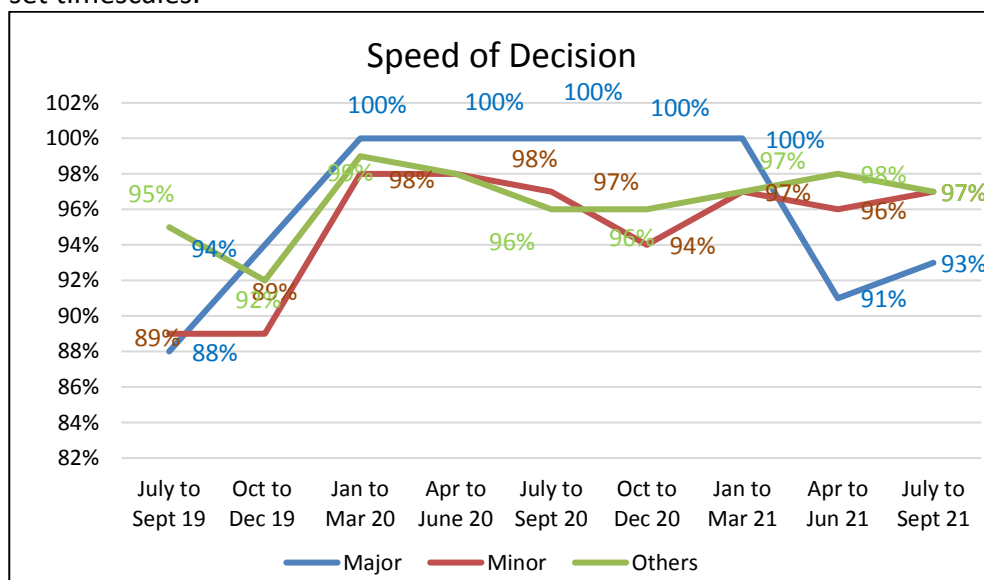
The 'non countable' category are those applications which are not reported to the Department for Levelling Up, Housing and Communities (DLUHC). Such applications include, but are not limited to: prior approvals, discharge of conditions, etc.

3.0 Performance

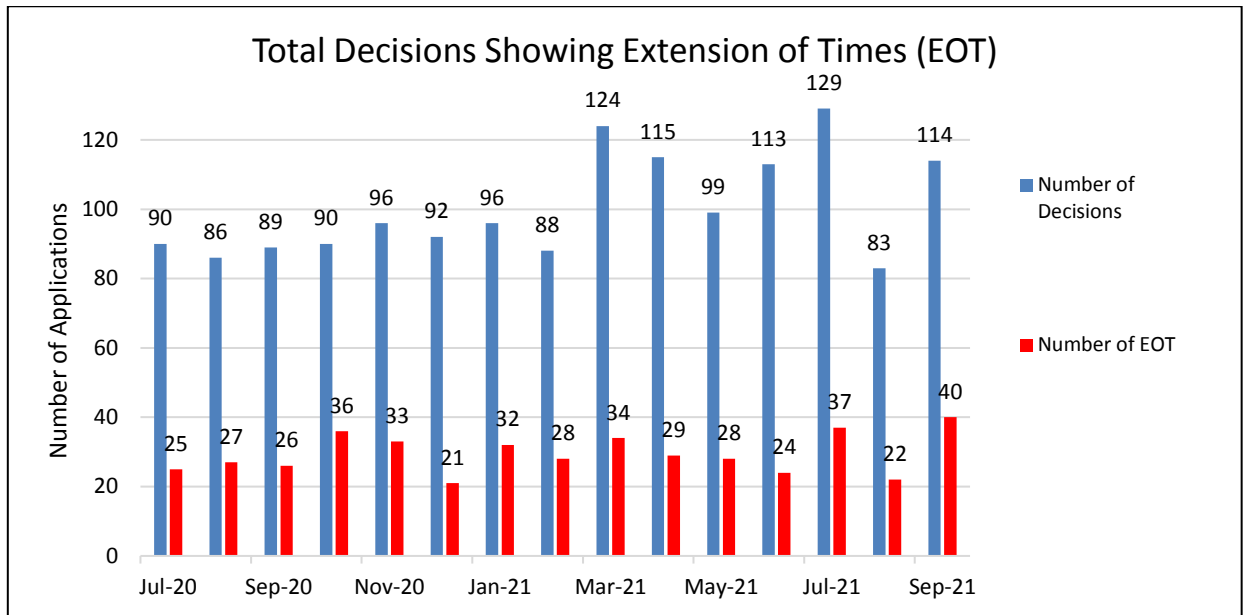
3.1 Government (DLUHC) monitor planning authorities on their speed of making decisions in relation to major and non-major applications. The target at national level is to determine 60% of major applications within the statutory period of 13 weeks or subject to the agreement of a time extension over a rolling two-year period. From quarter 2 2019 to quarter 1 2021, 96.3% of major applications have been determined within these timescales (a decrease of approximately 1% compared to the previous quarter's report). For non-majors, it is 70% over a two-year period. From quarter 2 2019 to quarter 1 2021, 95.8% of non-major applications have been determined within these timescales (an increase of 0.3% 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 continued to significantly exceed 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.

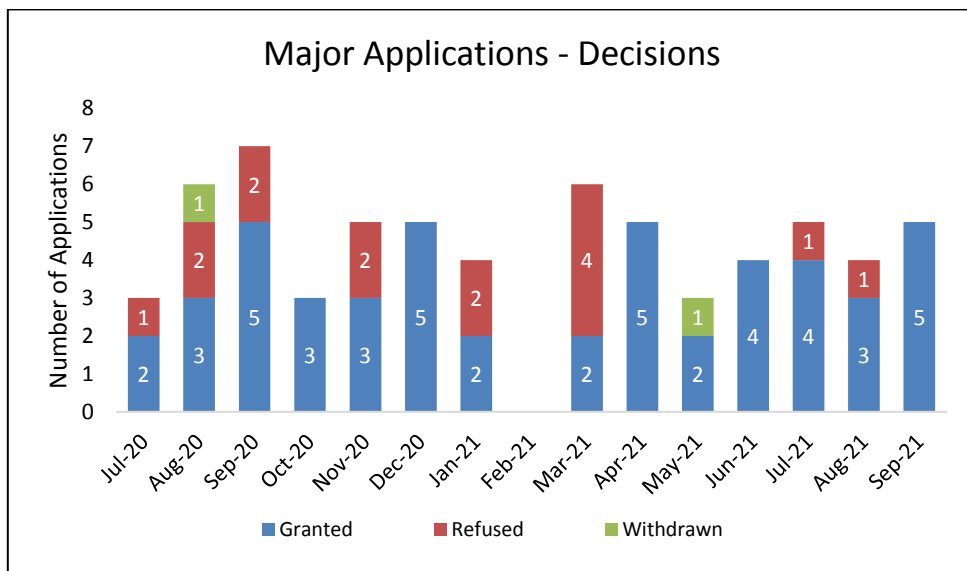
3.3 The following graph relates to the percentage of planning applications determined within set timescales.

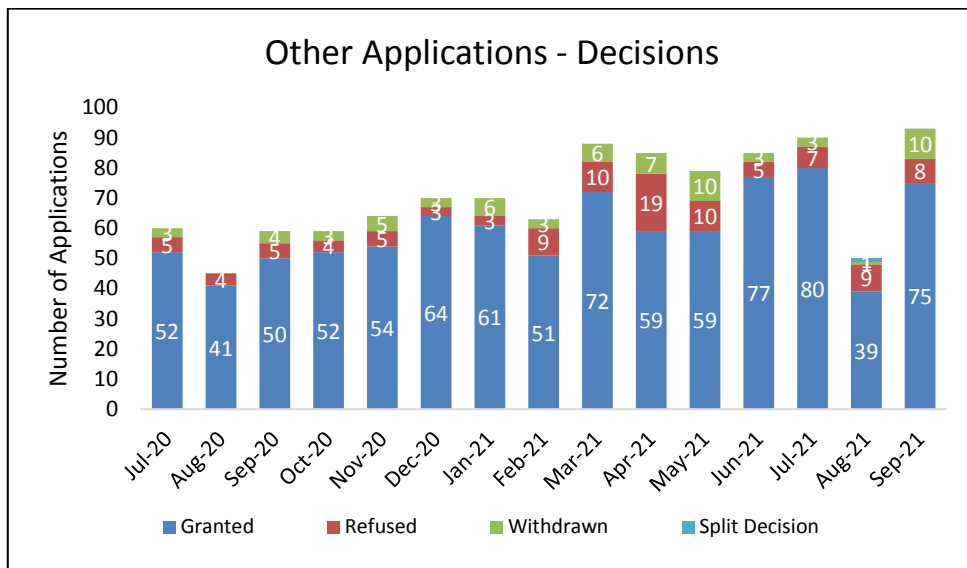
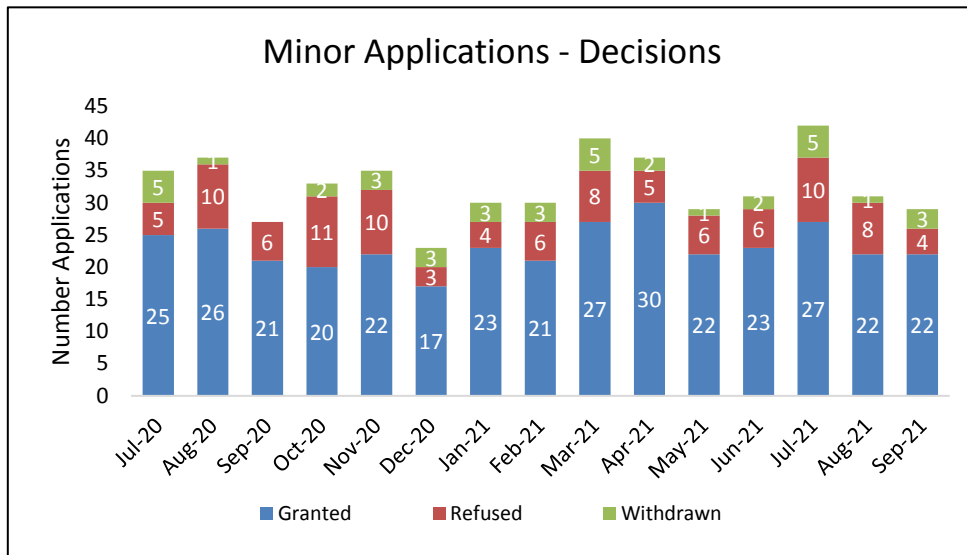


- 3.4 The previous quarter has seen a slight increase in performance for majors to 93% from 91%. This was as a result of 1 application (out of 15) being determined outside of its statutory timescale, but is still significantly above the national target. Minors has also increased slightly from 96% to 97% and for others a slight decrease from 98% to 97% compared to the previous quarter. 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. 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.
- 3.7 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. This would also run counter to our purpose and values as set out within the Community Plan.



3.8 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 89% across the 3 months). Withdrawals (total of 13) 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.





4.0 Tree Applications

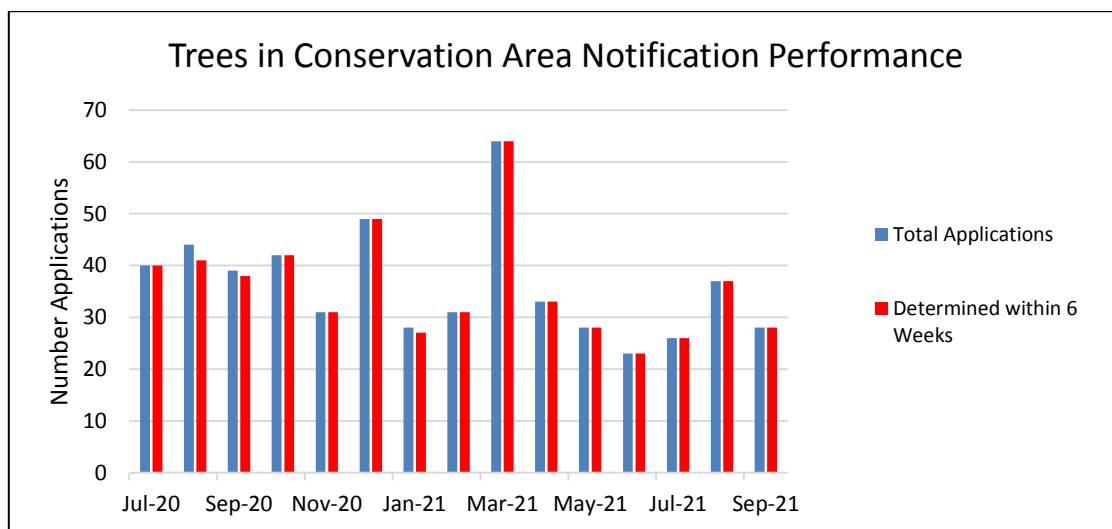
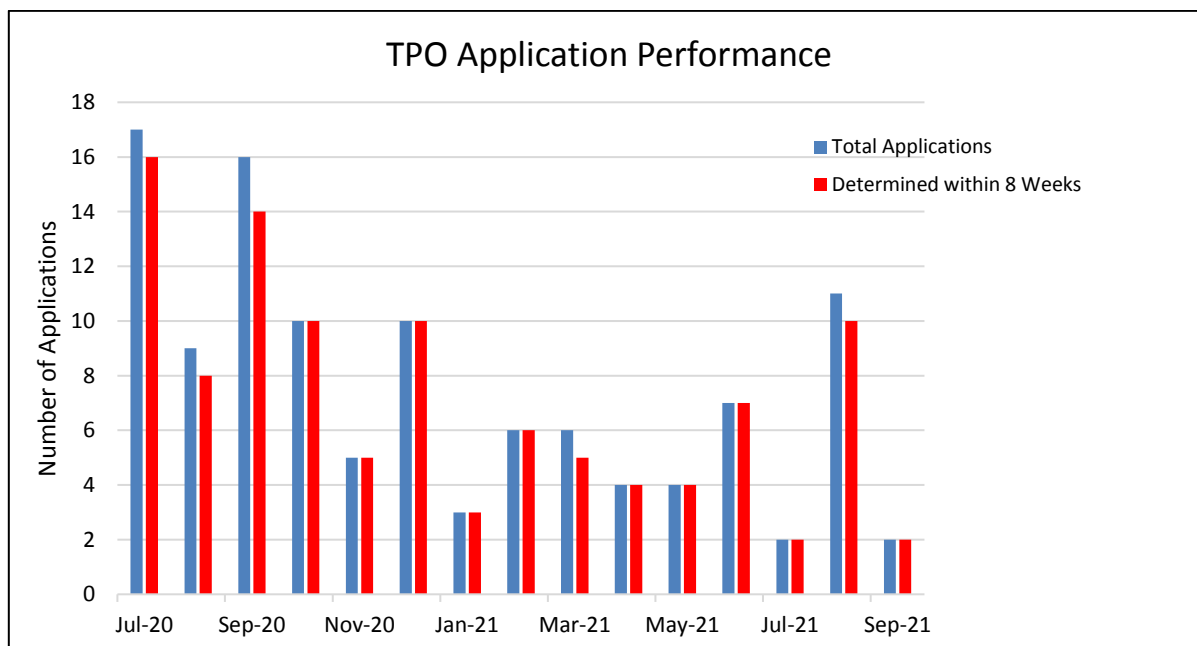
4.1 Trees are a valued amenity contribution to the character of the District. Those that are subject to a Tree Preservation Orders (TPOs) or within a Conservation Areas require consent from the Council before works are commenced. In relation to unprotected trees within a Conservation Area, the consent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

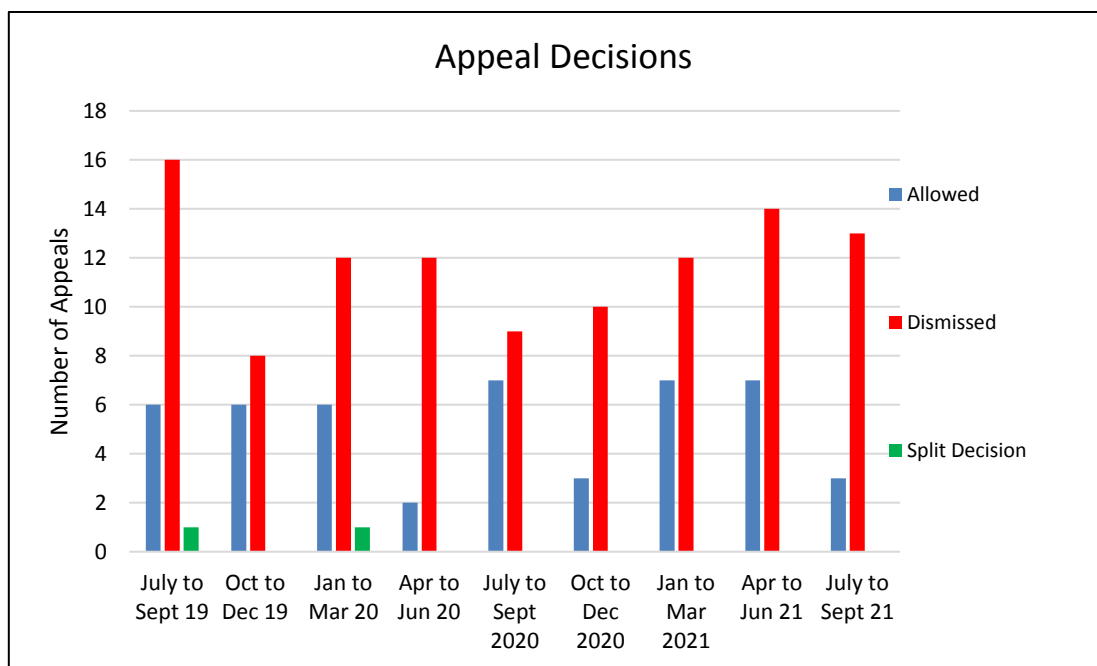
4.2 The following graphs show the number of TPO and Trees within a Conservation Area applications determined each month and whether they were determined within the statutory timescales. As can be seen, the number of applications received each month have no consistency making resourcing difficult. It 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 decrease in the number of decisions compared to the previous quarter, from 21 to 16 by the Planning Inspectorate. The number dismissed exceeds the number allowed (19% 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 DLUHC 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. Due to the both the success of appeal decisions (in the Council’s favour) as well as the overall number of applications that are approved, the Council will still be significantly within these thresholds.
- 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 in respect to Field Reference Number 7108. Eaking Road, Bilsthorpe was previously reported to Members, at which time the sum was not known. This has now

been submitted and agreed and is £47,344.93. In addition, a costs claim from the Council was previously reported with regards to a hearing relating to works to 2 silver birch trees at 31 Centenary Close, Balderton. The sum has been agreed at £1000.

6.0 Updates

6.1 Staffing – Since the previous report was presented, there have been a number of temporary changes to resources. Two officers were appointed to assist with the handling of smaller planning applications until the end of October. Michael Read has been promoted from Planning Support to Planning Enforcement following successful interview. His role in Planning Support was a temporary post covering maternity leave. A further officer has been appointed, Sarah Kingston, to the Support team to cover this temporary requirement.

6.2 Nationally, the National Planning Policy Framework has been updated which includes changes relating to ‘beauty’, design codes and is pursuing, in relation to sustainable development, the 17 Global Goals for Sustainable Development in the period to 2030.

6.3 In addition, a number of changes have come into effect through the General Permitted Development Order. These include:

- New permitted development rights, from 1 August 2021, allow Commercial/Business/Service uses (Class E) to be changed to Dwellinghouses (Class C3). As expected, there are specific conditions and limitations on this new right, including the need to make a ‘Prior Approval’ application so that specific details and matters can be reviewed by the Local Authority to determine if further action is required (Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (SI 2021 No 428).
- The same legislation has also introduced the requirement for a Prior Approval application to be made for proposed changes from ‘commercial, business and service or betting office or pay day loan shop to mixed use’.
- As part of the ongoing changes to fire safety regulations, certain types of proposed development (“multi-occupied residential buildings of 18 metres or more in height, or 7 or more storeys”) will, from 1 August 2021, require that a ‘Fire Statement’ is completed by an expert and submitted as part of the application for permission under The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 (SI 2021 No 746).
- The legislative amendments discussed above also introduced ‘fire safety impacts’ as an additional matter for prior approval in certain permitted development rights, and the need for a ‘statement about the fire safety design principles, concepts and standards that have been applied to the development’ to be provided.
- Certain types of proposed major public infrastructure developments (“hospitals, schools and further education colleges, prisons, young offenders’ institutions and other criminal justice accommodation”), from 1 August 2021, be eligible for shorter determination timeframes under The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 (SI 2021 No 746).

- On 31 July 2021, fee changes for certain prior approval applications have been introduced through The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2021 (SI 2021 No 791).

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. The department is now working in a 'hybrid' way with the majority of time still working from home. 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