

PLANNING COMMITTEE – 15 FEBRUARY 2022

DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

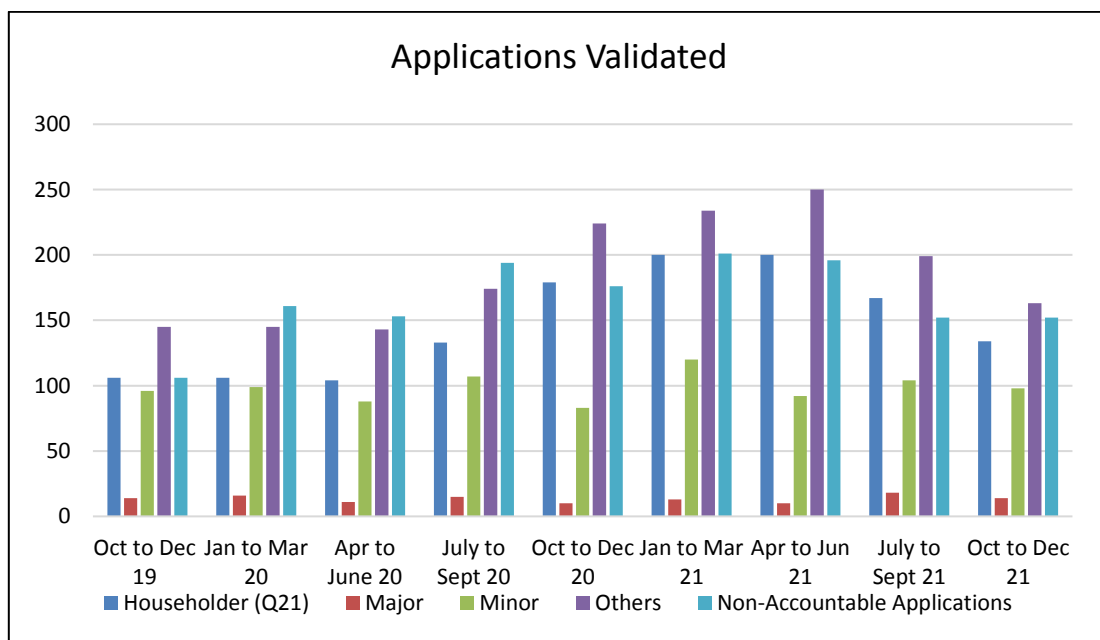
1.0 Purpose of Report

1.1 This report relates to the performance of the Planning Development Business Unit over the three month period October to December 2021. However, in order for the latest quarter’s performance to be understood in context, in some areas data going back to October 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 October 2019 up until December 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 third quarter of 2021/22, a total of 763 applications were received. This, compared to the same quarter in 2020/21 shows quite a large decrease from 873 or a 12.6% decrease in workload. The major difference in numbers relates to Householder and Other Applications which saw a drop of 45 and 61 applications respectively compared to the year before. All application types had a reduction in numbers with the exception of Major and Minor applications and Pre-application requests. However, compared to the preceding quarter, all application types had reduced numbers with the exception of Pre-applications. 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. This may be settling compared to pre-pandemic numbers, but it appears a little too early to indicate if this is the case at this stage.



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.

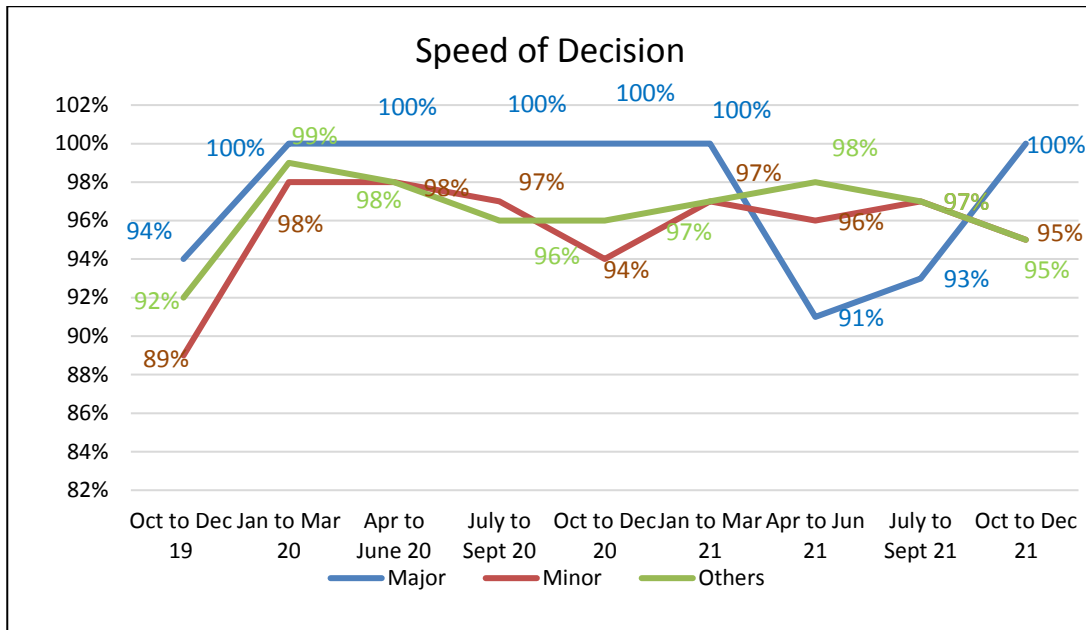
Minor applications include (but are not limited to) up to 9 dwellings, gypsy and traveller sites and commercial proposals not falling within the major category.

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.

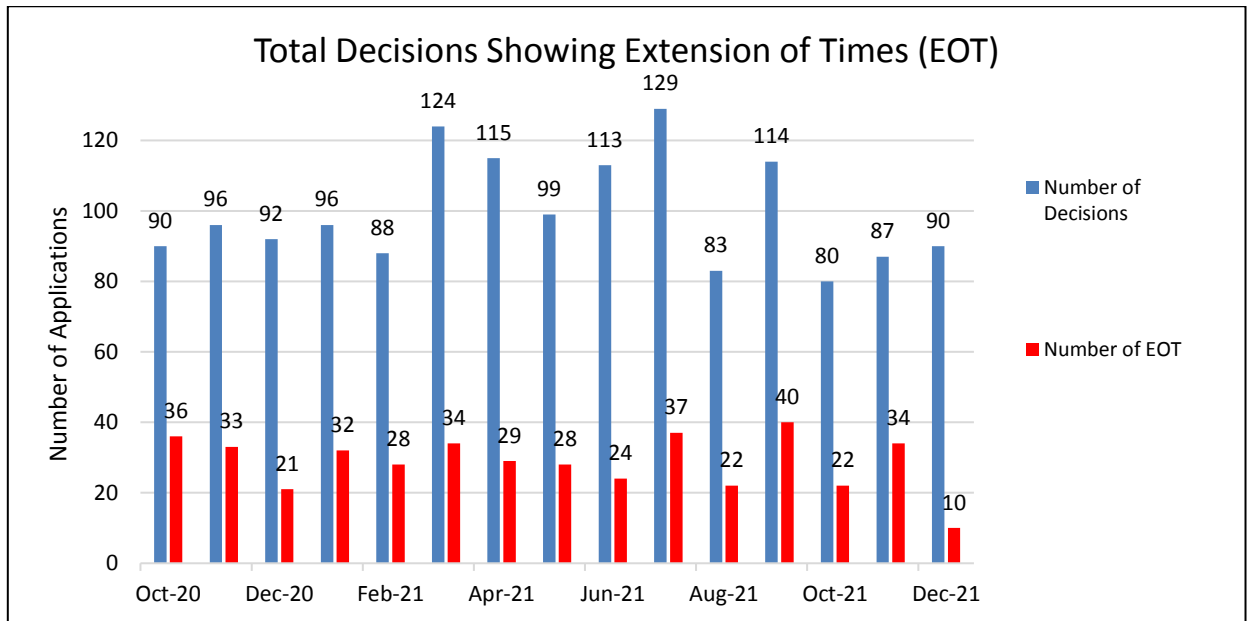
The 'non countable' category are those applications which are not reported to the Department for Levelling Up, Housing and Communities (DLUHC). Such applications include, but are not limited to: prior approvals, discharge of conditions, etc.

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 3 2019 to quarter 2 2021, 97.1% of major applications have been determined within these timescales (an increase of nearly 1% compared to the previous quarter's report). For non-majors, it is 70% over a two-year period. From quarter 3 2019 to quarter 1 2021, 96.4% of non-major applications have been determined within these timescales (an increase of approximately 0.5% compared to the previous report). These targets are challenging when taking account, in accordance with the National Planning Policy Framework, of being required 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.

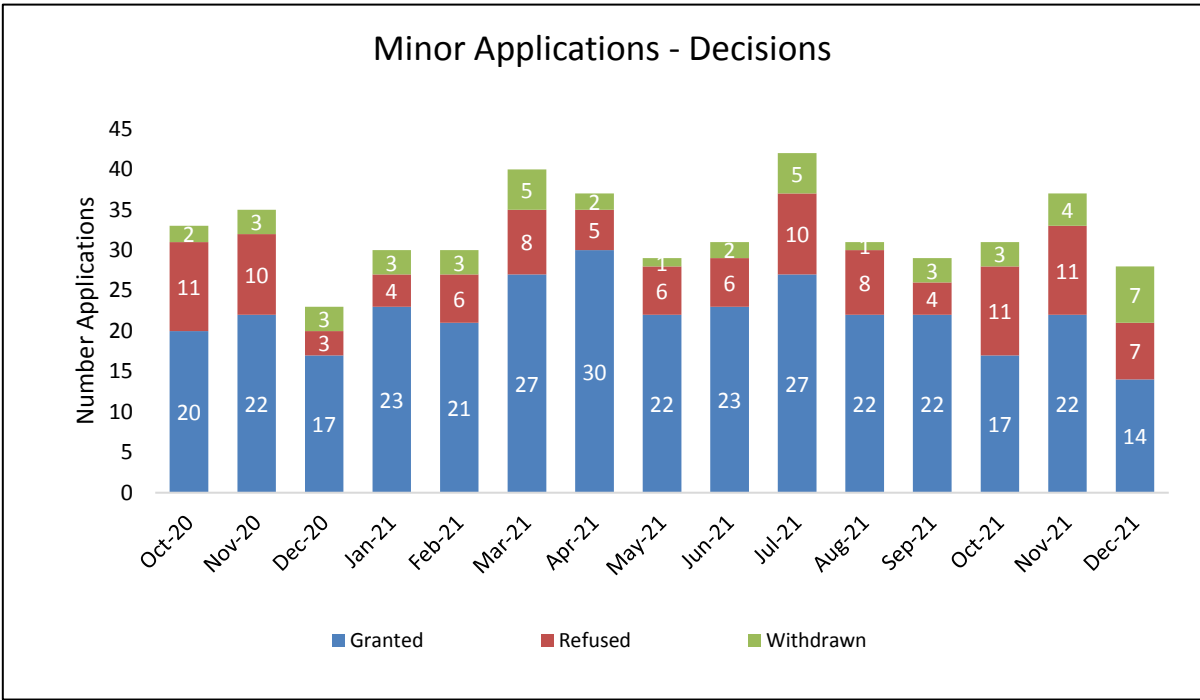
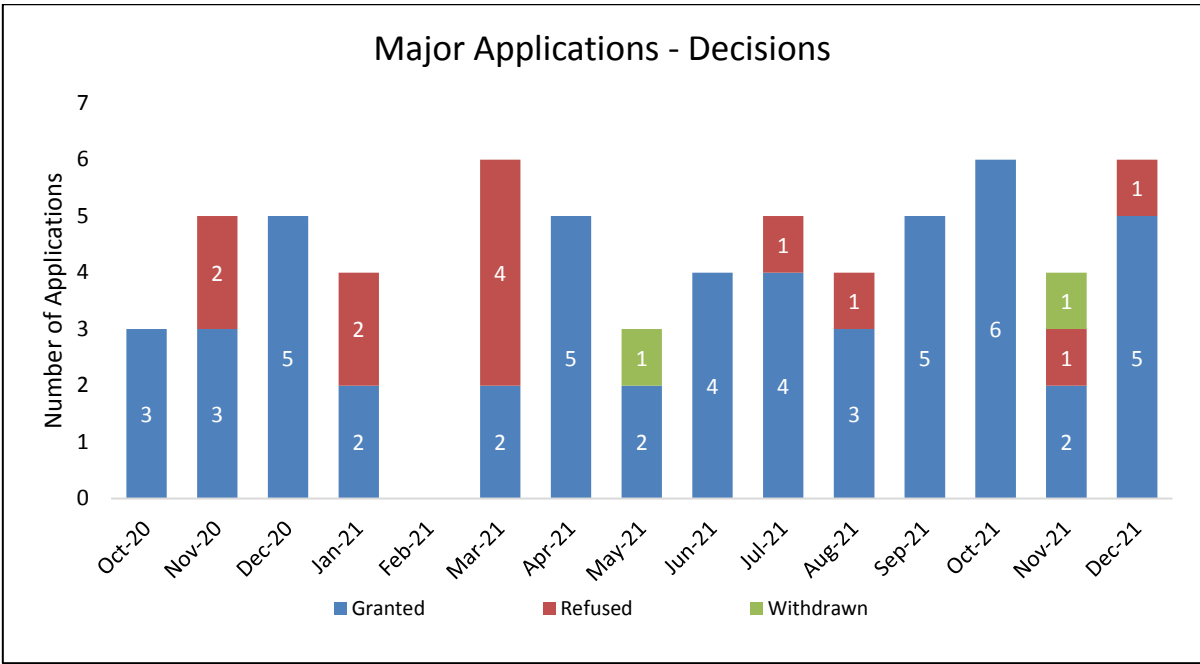


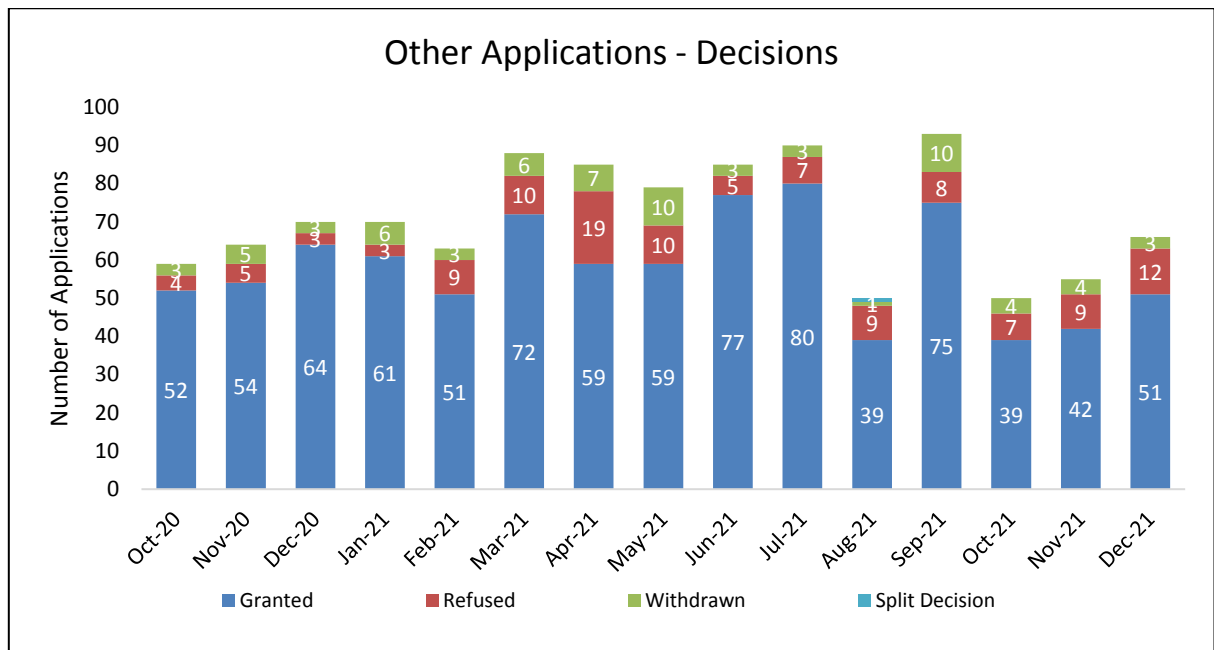
- 3.4 The previous quarter has seen an increase in performance for majors to 100% from 93%. A total of 15 major applications were determined being the highest number determined since Q2 of 2020 (1 July 2020 to 30th Sept 2020). Minors and Others have both decreased slightly from 97% to 95% compared to 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 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. Since October 2019, 30% of all applications determined have been subject to a time extension. In the previous quarter, the average was 26% which is positive, notwithstanding extensions can often be instigated by the applicant/agent.



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, possible increase in appeals against refusal 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 – Majors 78%, Minors 55% and Others 83%. The Minors category appears to have been affected this quarter by a larger number of both refusals being issued as well as withdrawals. Withdrawals, a total of 26 compared to 13 for the previous quarter, 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

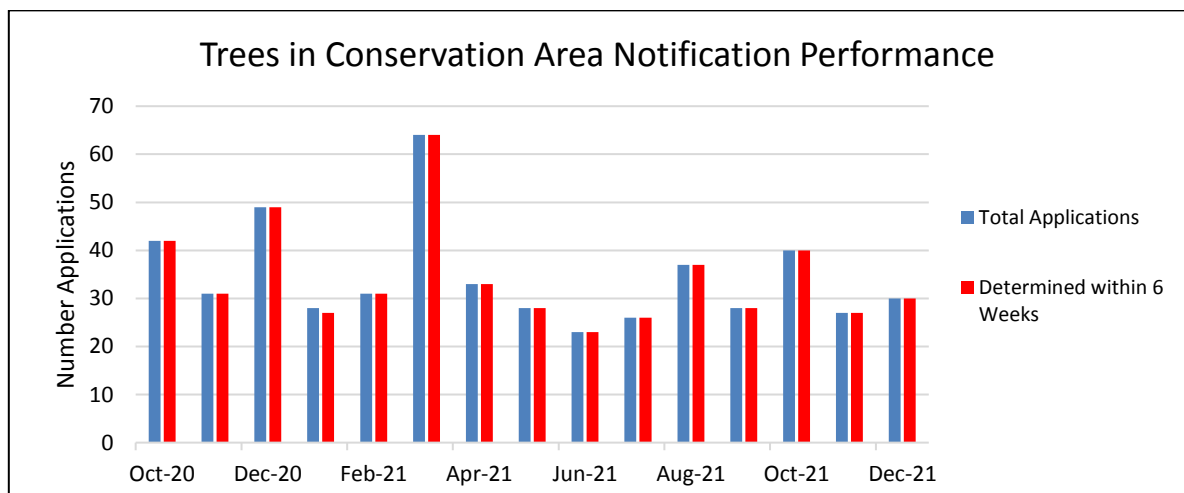
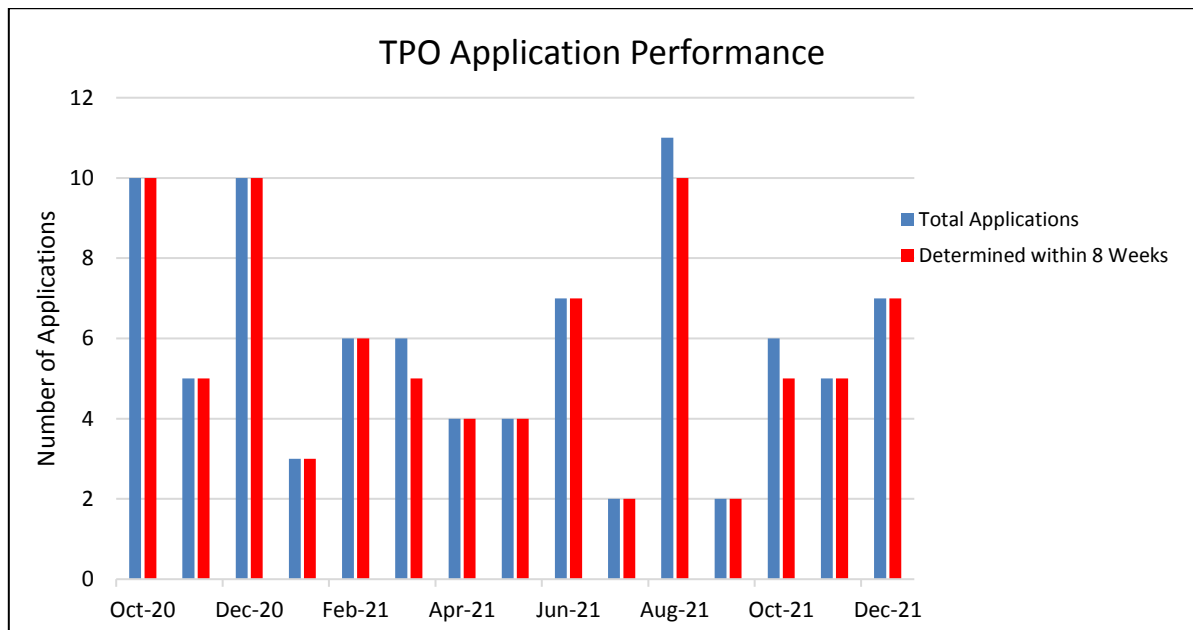
4.1 Trees make a valued amenity contribution to the character of the District. Those that are subject to a Tree Preservation Orders (TPOs) or within a Conservation Areas require consent (TWCA) from the Council before works are commenced. In relation to unprotected trees within a Conservation Area, the 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 or the case officer will negotiate appropriate works in line with current industry best practice. 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.

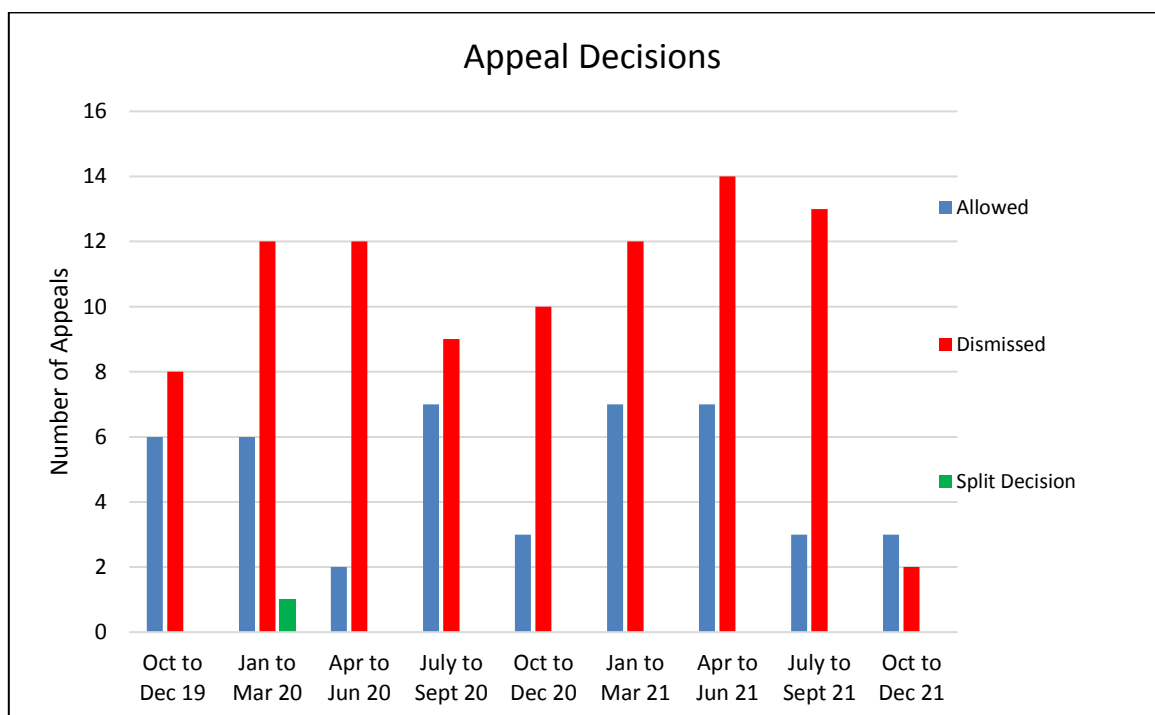
4.2 The following graphs show the number of TPO and Trees within a Conservation Area applications determined each month and whether they were determined within the statutory timescales. Data confirms, the number of applications validated each month have no consistency making resourcing difficult, albeit the service would expect an increase in numbers during the period prior to the preferred season for undertaking tree works (early winter when most trees are dormant or when in full leaf). However, seasonal trends continue to fluctuate. It is hoped that with the authority recruiting a tree/landscape officer that work can be completed taking account of these peaks and troughs. For example, July and September 2021 were both quiet months for TPO and TWCA applications and the officer might be able to review existing orders. However, this is subject to successful appointment. 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 (and must be) 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 significant decrease in the number of decisions compared to the previous quarter, from 16 to 5 by the Planning Inspectorate. The number of appeals that have been allowed exceeds the number dismissed (40% dismissed) which fails to meet 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. Notwithstanding this quarter’s statistics, overall the number of dismissed appeals far outweighs the number allowed.



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.

6.0 Updates

6.1 Staffing – At the end of March, Christine Howard, Technical Support Officer, Land Charges will be retiring. Sophie Cleaver, Technical Support Officer, Planning will be seconded to this post for 13 months. This has enabled an extension to the temporary contract for Sarah Kingston who was employed to cover Sophie’s maternity cover, to be extended further.

6.2 Charlotte Hetherington, Heritage Action Zone officer will be leaving in February. Recruitment is underway to try and fill this post. Additionally, recruitment is underway to appoint a Tree/Landscape Officer.

- 6.3 As reported last month, permitted development rights have been made permanent for moveable structures. In addition, the Environment Act 2021 was published which will have impacts upon many Business Units across the Council including Planning Development. For planning, the impact will primarily be in relation to Biodiversity Net Gain (BNG). There will be a requirement for applicable developments to provide 10% net gain in biodiversity. This gain will need to be maintained for 30 years following the completion of development.
- 6.4 This has not yet come into force and will do so via secondary legislation. Consultation is currently underway by the Department of Food and Rural Affairs. This consultation suggests the net gain requirement will come into effect late 2023. Consideration to the impact this legislation will have upon the Council is being undertaken.
- 6.5 The Conservation team has also been actively progressing a number of Conservation Area reviews for Laxton, Southwell and Newark with public meetings and consultation taking place in January and February.
- 6.6 In addition, progress has been made in relation to providing records of all confirmed and provisional Tree Preservation Orders on line. It is anticipated that it will be possible to report in the annual report to Planning Committee in May that this has been completed.

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. Having had a short time of hybrid working following the Council's review of its Safe System of Work, we have in the main returned to home working. As always, ongoing changes are being made to our systems to improve the service and experience of our customers. Any suggestions that Members might have are always welcomed.

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 – Growth and Regeneration