

PLANNING COMMITTEE – 10 MAY 2022

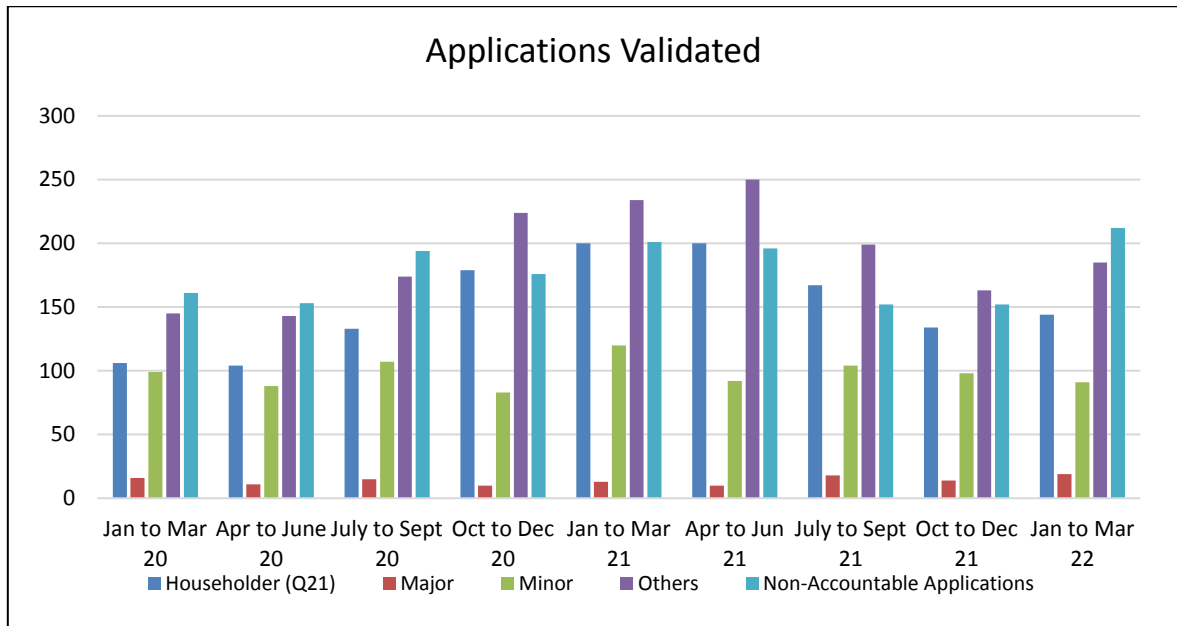
DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

1.0 Purpose of Report

- 1.1 This report relates to the performance of the Planning Development Business Unit over the three month period January to March 2022 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 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 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 2020 up until March 2022. 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 2021/22, a total of 873 applications were received. This, compared to the same quarter in 2020/22 shows a large reduction from 1003 applications or an approximate 13% decrease in workload. 873 applications is still significantly greater than prior to the pandemic in 2019/20 when 780 applications were received in the same quarter. The previous annual report identified the biggest increase in numbers were for householder applications with an 89% increase (200 applications compared to 106). However, whilst the overall numbers have reduced, the number of major applications and non-countable have increased compared to the same time last year. Non-countable include applications seeking approval of details pursuant to a condition e.g. samples of materials. Such applications are generally submitted shortly before development commences and the increased numbers likely reflects the greater number of applications dealt with over the previous 12-18 months. Notwithstanding this slight reduction in the number of applications over the previous quarter, across the 12 month period there has been an increase compared to 2020/21 from 1063 to 1091 applications (major, minor and others). These applications are all reported to Government as part of our performance statistics. Across the financial year, in relation to the receipt of all application types there has been a slight decrease from 2875 (for 2020/21) to 2785 applications. This appears to relate more to a reduction in 'others' under which householders fall. However, the number of major applications has increased and these are likely to have greatest impact in terms of housing numbers and potentially job creation, with 61 applications received this financial year compared to 49 in 2020/21.



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.

Non-countable and others generally comprise the highest numbers quarter on quarter, with householders shortly behind.

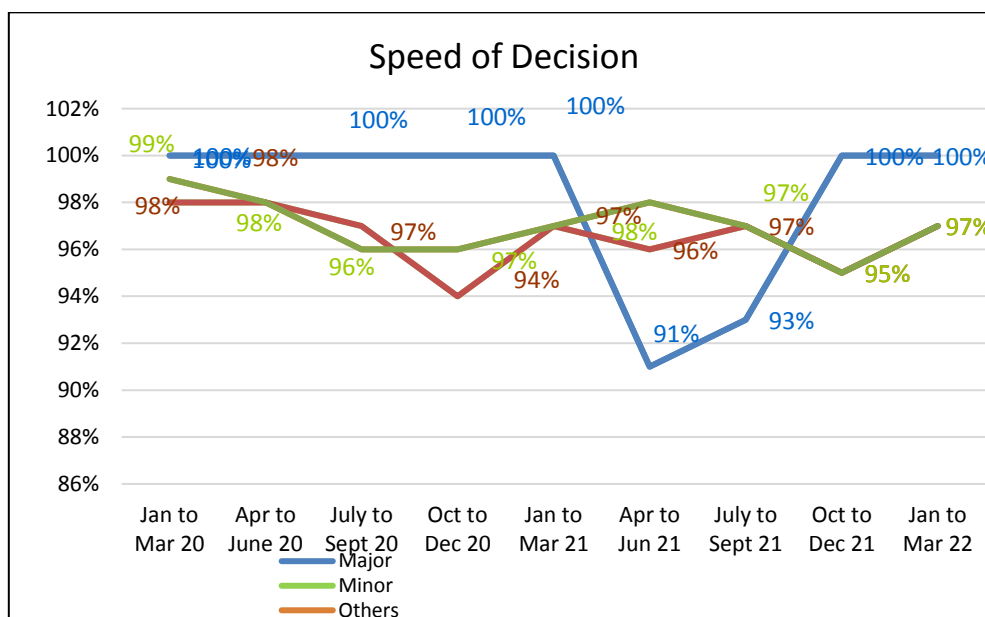
3.0 **Performance**

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 January 2020 to end of December 2022, 98.1% of major applications have been determined within these timescales. Across all of the Nottinghamshire authorities, NSDC is the best performing and out of the 333 authorities across England and Wales, we are 50th in terms of overall performance. However, in terms of the number of major applications determined for the top 50 authorities, only 3 councils have determined a greater number 107, 108 and 109 compared to [NSDC's] 105. For non-majors, the target set nationally is 70% over a two-year period. 96.6% of non-major applications over this same time period have been determined within these timescales and NSDC is 44th within the country. Comparing once again to the other Nottinghamshire authorities, we are second best performing, Broxtowe having determined 97.5%. However, the number they have determined is significantly fewer at 1247 compared to 1919 (or 35% less) than NSDC. 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 and in both areas have increased compared to the report presented last year where performance was 95% for majors and 93.5% for non-majors.

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.



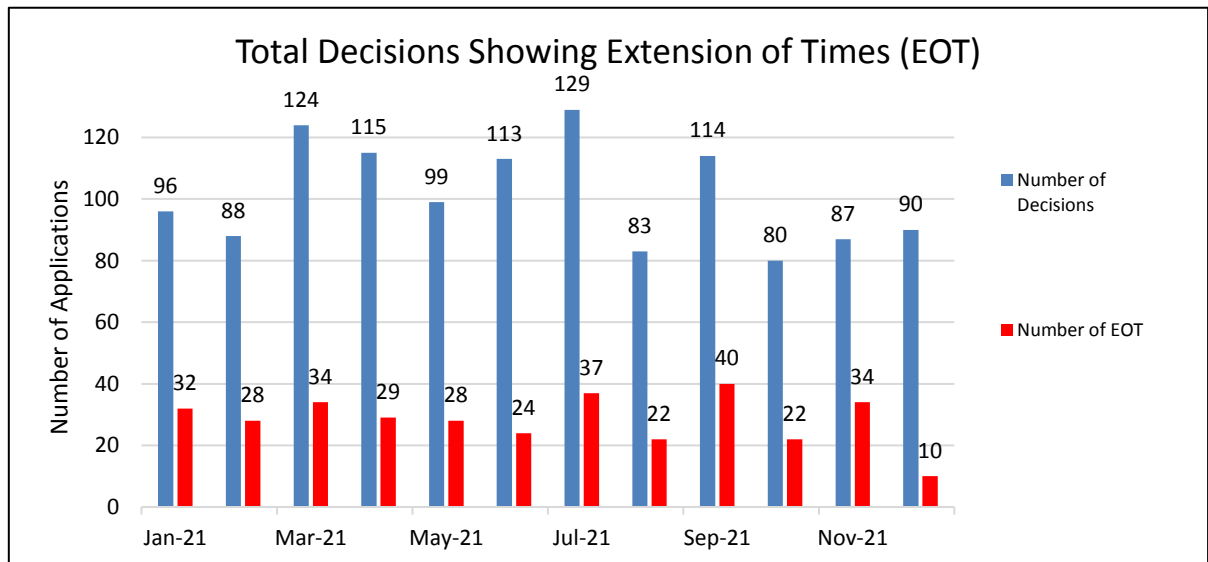
3.4 For major applications, performance over the previous quarter has remained at 100%. Across the 12 month period, the performance averages to 96%. Minors is at 97%, having dropped slightly during the previous quarter. Overall performance has very slightly improved compared to the previous 12 months. The same applies to Other applications as well. As Members will be aware, Officers are now working in a hybrid manner with approximately 2 days in the office and 3 days from home, on average. The change in working patterns can be seen has not significantly affected performance.

3.5 These targets continue to be achieved due in part to seeking time extensions for dealing with the applications beyond their [original] statutory time period from applicants. Time extensions might be sought by either party (the applicant or the Council) 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 suggested that the determination timescales set out in legislation should be adhered to and were looking to potentially implement this as part of the overall planning changes. Whether this is introduced remains to be seen.

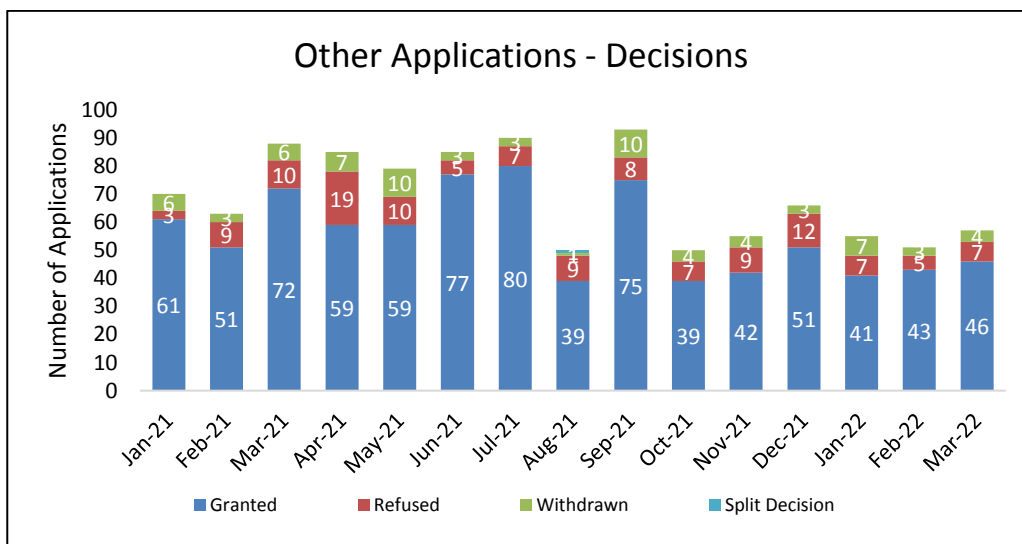
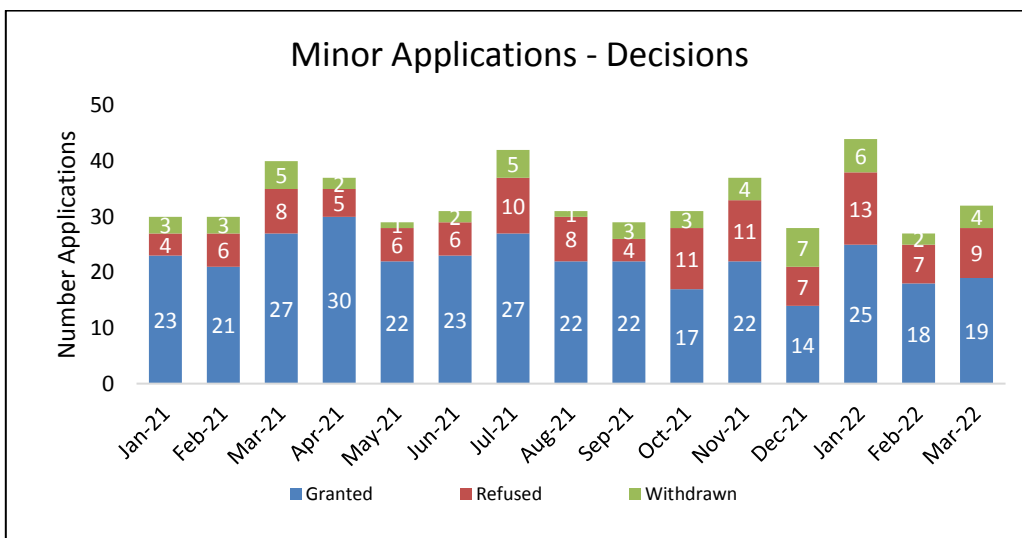
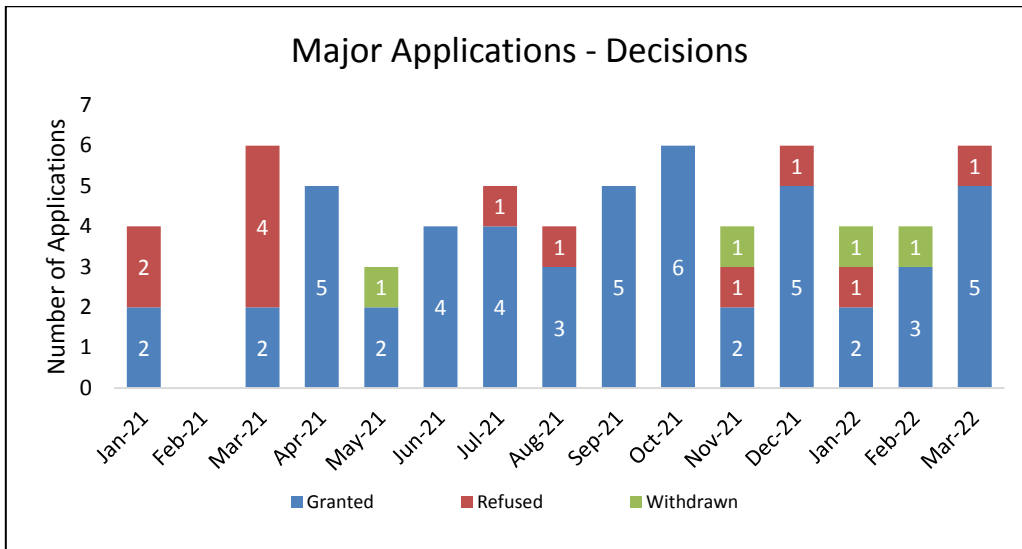
3.6 The graph below shows the total number of applications determined each month in blue and alongside, those in red are the number of applications where time extensions have been

sought of those determined. Seeking time extensions means that case officer workloads increase overall which makes dealing with newer applications on time more challenging. It is hoped over time, 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 and will continue to be 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. There has been improvement in terms of the percentage of applications that have been subject to an extension of time from 32% in 2020/21 to 28% this financial year.

3.7 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, or agreement to, 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.



3.8 Over the previous financial year, the number of decisions issued quarter on quarter has decreased from 331 in April-June 2021 to 253 in January to March 2022 reflecting the slightly reduced number of applications received. Of these decisions, 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 88%, 73% and 86% across the major, minor and other categories respectively). Withdrawals (103 across the year compared to 79 in 2020/21) 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

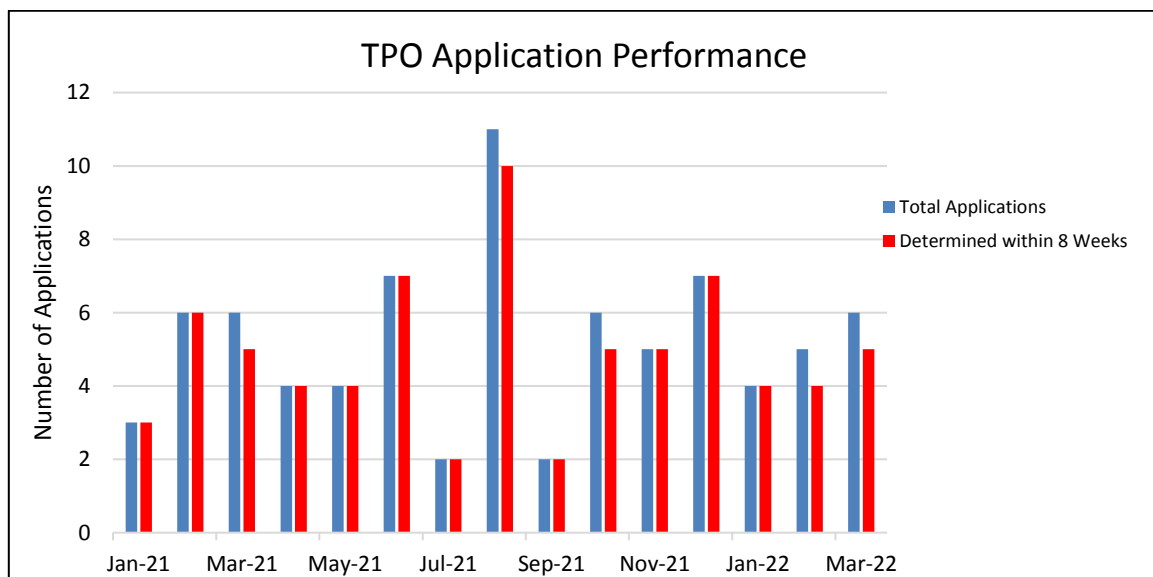
4.1 Trees are a valued amenity contribution to the character of the District. Those that are subject to a Tree Preservation Orders (TPOs) or within a Conservation Areas require consent from the Council before works are commenced. In relation to unprotected trees within a Conservation Area, the consent seeks the Council’s decision as to whether or not the tree

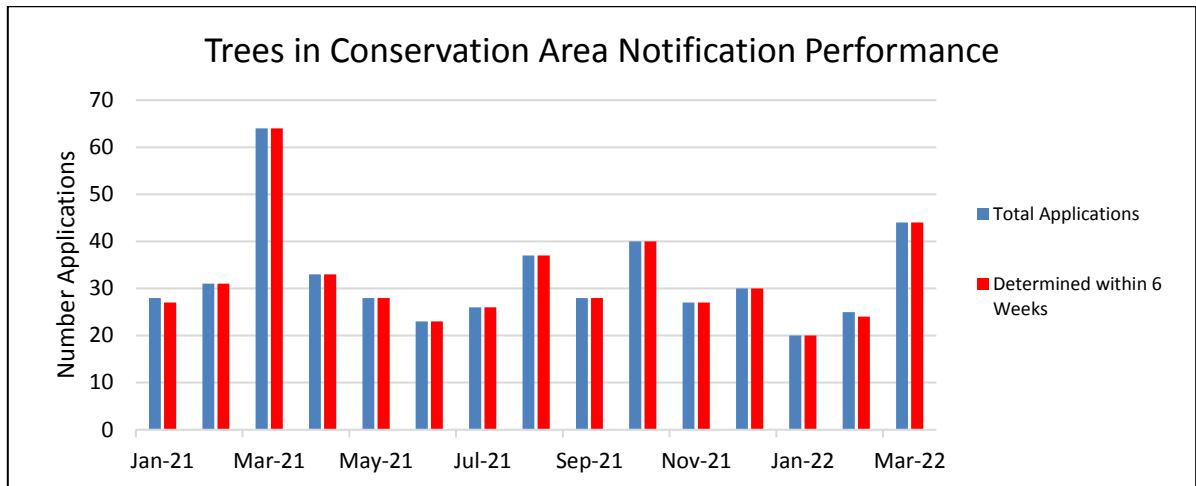
has the necessary amenity criteria such that it should be subject to a Preservation Order. These criteria include consideration to:

- 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.

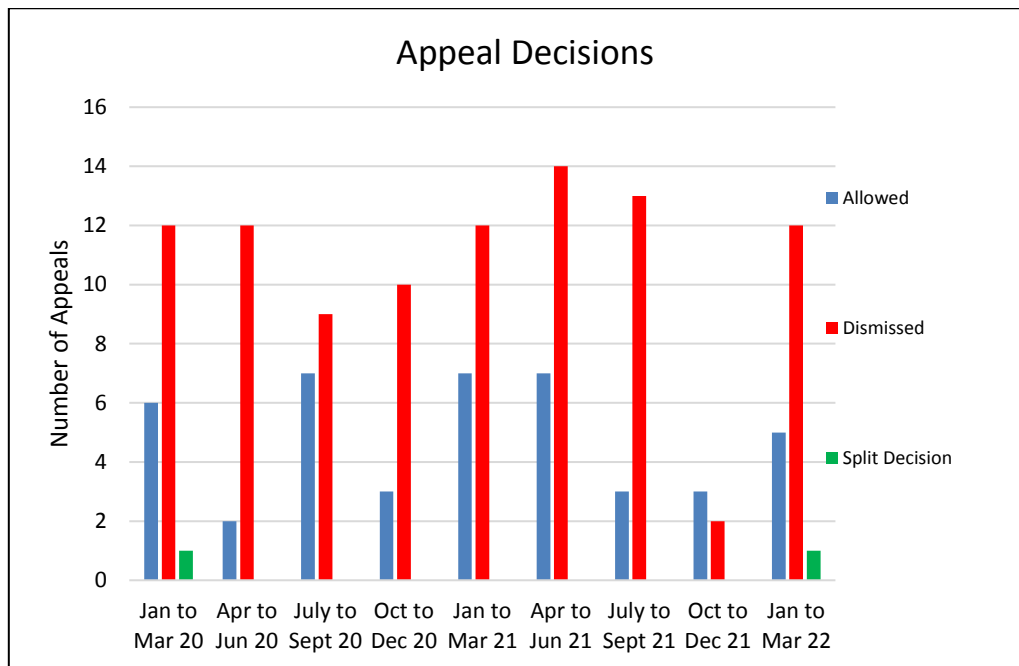
4.2 The following graphs show the number of TPO and Trees within a Conservation Area applications determined each month and whether they were determined within the statutory timescales. The number of applications received each month have no consistency making resourcing more difficult. It should be noted however that where the Officer identifies a potential risk to a tree of value (for trees within conservation areas applications), 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. Members will be aware over the previous 12 months there have been two public inquiries – Halloughton Solar Farm and Eakring Road, Bilsthorpe – for housing. 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 large rise in the number of decisions issued by the Inspectorate compared to the previous quarter, from 5 to 18. Across the year, compared to the previous financial year, the Inspectorate has issued 60 decision this year compared to 62 for the previous. The number dismissed exceeds the number allowed and is line with the Government’s previous target of having no more than 33% being allowed. Where a split decision has been issued, in terms of the Government’s monitoring, this is treated as a dismissal. Across the financial year, 30% have been allowed compared to 31% 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. Members may have seen headlines reporting that one such authority, which has recently been sanctioned against, is Uttlesford District Council.
- 5.4 As of 1 April 2018 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.
- 5.5 Data from government has not been updated since the report was originally 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 the inquiry for Eakring Road, Bilshorpe where partial costs were awarded. The Council has also been successful in a claim relating to a TPO appeal that was determined by way of a hearing.

6.0 Updates

- 6.1 Staffing – Since the previous report was presented, there have been further changes to staffing. The newly created post of Tree/Landscape Officer has been filled with Sean Davies joining the authority in February. This post will have significant benefits by way of managing

the fluctuating workload in relation to tree related applications. Where the numbers received are high a focus will be upon dealing with these. However, where numbers are lower Mr Davies will be able to review historical TPOs as well as other project works. This post will also be responsible for providing landscape advice on planning applications and assisting other departments on landscape matters, but only where a planning application will not need to be submitted for assessment. Isabelle Richards has joined as the Heritage Action Zone Officer replacing Charlotte Hetherington. Lastly, Christine Howard retired who managed Land Charges. Sophie Cleaver has moved from her former role in Technical Support to the Land Charges post which has enabled her former maternity cover, Sarah Kingston, to remain within Technical Support. There will always be change in staffing, however the previous 12 months has remained fairly stable which has enabled the performance to be achieved over the previous year. It will also be noted from the accompanying planning enforcement report that everyone across the team has put in a huge effort to ensure performance for our customers has been maintained and improved upon. 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 There have been further changes in legislation which were reported to Members last month but the coming 12 months will also see preparation for biodiversity net gain which is due to come into force as a requirement for applications in November 2023. Members will be provided with information and training regarding this in due course.
- 6.3 Alongside these more 'planning' related duties, during the summer of 2021 a review of the Council's guidance in relation to Street Naming and Numbering was undertaken. This is an important service area providing addresses for newly built homes and businesses as well as re-naming of existing properties. The review resulted in the former guidance being completely re-written and adoption as a Policy. The Policy also details that engagement with Town and Parish Councils will be undertaken in relation to the naming of new roads and a list of names will be held for developers to consider. In addition, reviews of a number of conservation areas have been progressed with amendments to Laxton and Ollerton approved in March as well as a document defining the criteria for assessing Non Designated Heritage Assets.
- 6.4 During the previous financial year, the Government had issued the White Paper which was suggesting some quite significant changes to planning. It is understood that a number of the measures are unlikely to be progressed but future changes to planning will likely be provided within the Queen's speech in May. Relevant information will be reported to Members in due course.

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. Overall the department has been able to provide an excellent service, whilst continually looking to make improvements whether large or small. The recruitment process that was undertaken during the latter part of 2020/21 has been positive with all of the officers across the planning department working hard and looking for ways to be more efficient.

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 & Growth