



Report to Planning Committee 10th August 2023

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| Report Summary | |
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| Report Title | Development Management Performance Report |
| Purpose of Report | This report relates to the performance of the Planning Development Business Unit over the three-month period April to June 2023. In order for the latest quarter’s performance to be understood in context, in some areas data going back to April 2021 is provided. The performance of the Planning Enforcement team is provided as a separate report. |
| Recommendations | <p>For noting. The services it assists in the delivery of Community Plan Objectives:</p> <ul style="list-style-type: none"> • 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 |

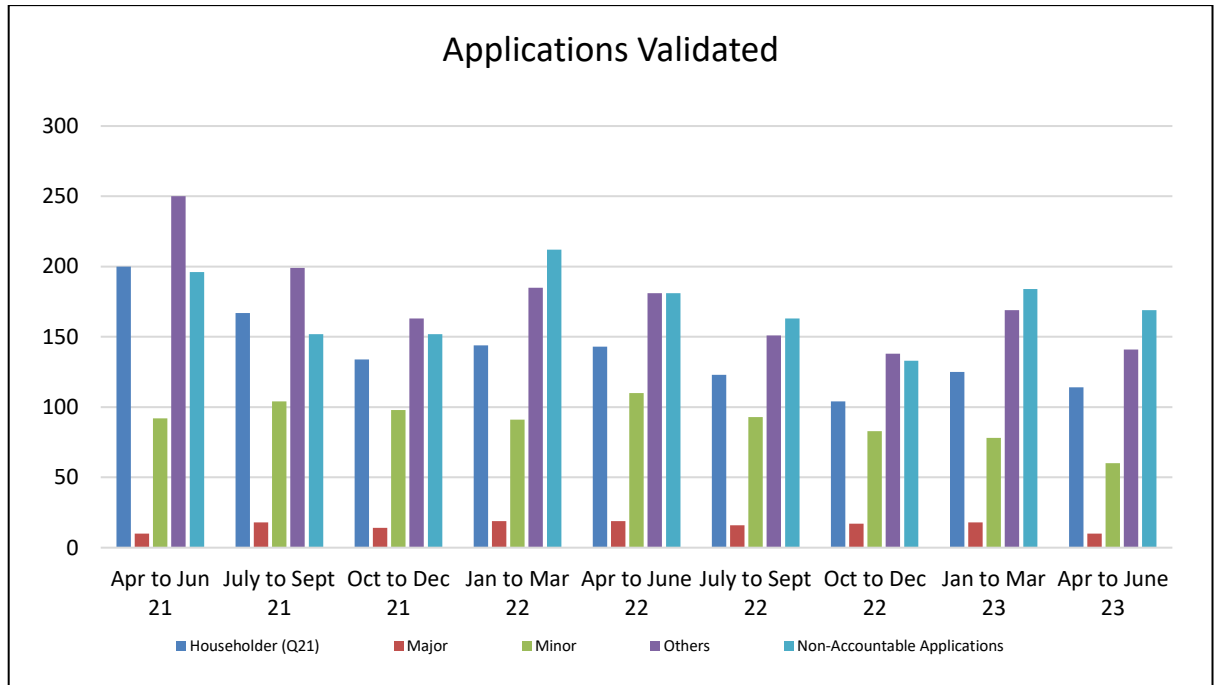
1.0 Background

1.1 The Planning Department undertakes a number of activities including the processing of planning applications and associated appeals, planning enforcement, conservation and listed building advice, offering pre-application advice as well as other service areas including land charges, street naming and numbering and management of the building control service for the Council. This report relates to the planning related functions of the service area.

2.0 Application Numbers

2.1 The graph below shows the number of applications that have been received as valid each quarter from April 2021 up until June 2023. 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 2023/24, a total of 669 applications were received. This, compared to the same quarter in 2022/23 shows a reduction from 802 applications or an approximate 16% decrease in application workload. Application numbers are also lower than during the pandemic in 2021/22

when 942 applications were received in the same quarter [resulting primarily from an increase in householder proposals]. Trends show a reduction in corresponding quarters from previous years. This reduction in application numbers is comparable with reductions reported across the country. Compared to the previous quarter, all application types have decreased with the exception of pre-application enquiries, which is hopefully a positive indicator for future submissions.



2.2 '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.

2.3 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.

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

3.0 Performance

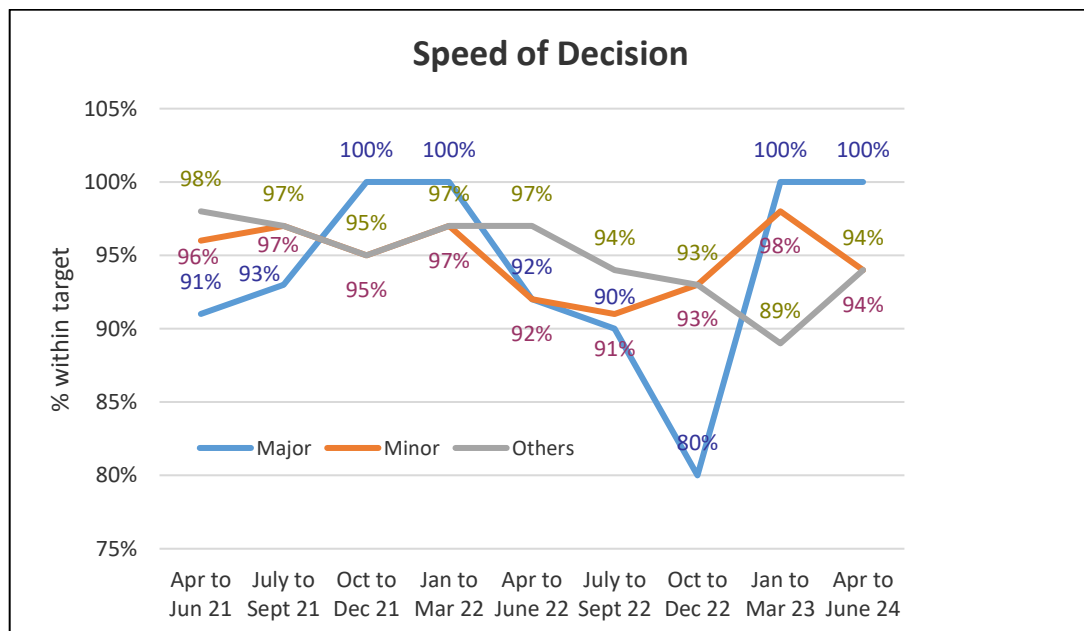
3.1 Government (DLUHC) monitor planning authorities on their speed of making decisions in relation to major and non-major applications. The target at national level is to determine 60% of major applications within the statutory period of 13 weeks or subject to the agreement of a time extension over a rolling two-year period. From April to June 2023, 100% of major applications have been determined within these timescales, which is the same as the previous quarter and a significant increase compared to Q3 of 2022/23 with that being an outlier of normal performance.

For non-majors, the target set nationally is 70% over a two-year period. 94.5% of non-major applications during Q1 have been determined in time.

These targets are challenging when taking account, in accordance with the National Planning Policy Framework, to work proactively with applicants to secure development that will improve the economic, social and environmental conditions of the area i.e., trying to find solutions, when appropriate as opposed to refusing a planning application that might be amended.

3.2 For authorities who under-perform against the 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 the associated administration.

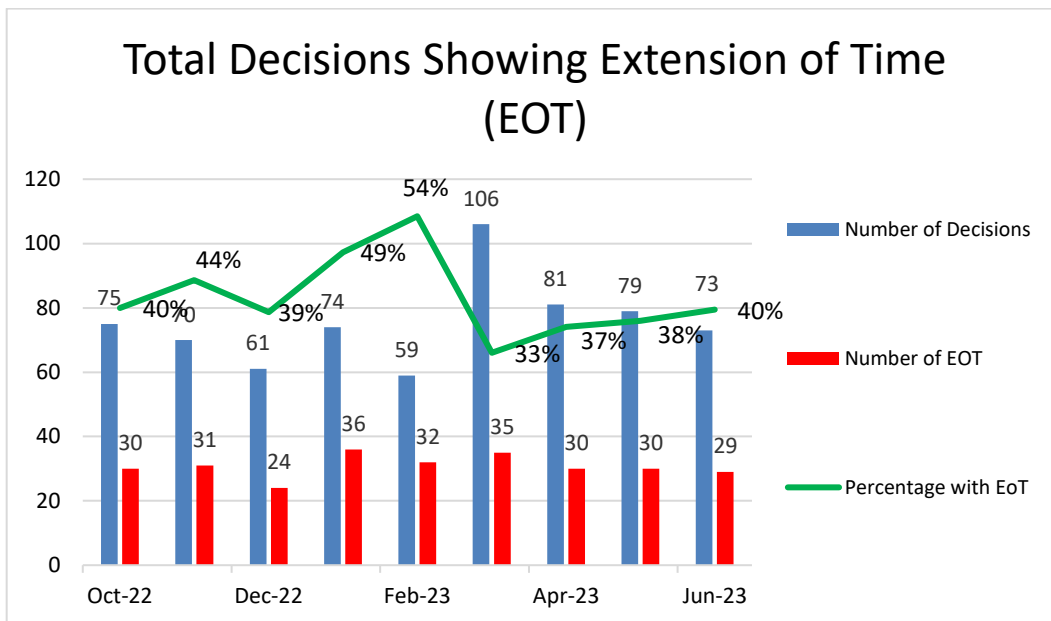
3.3 The following graph relates to the percentage of planning applications determined within set timescales.



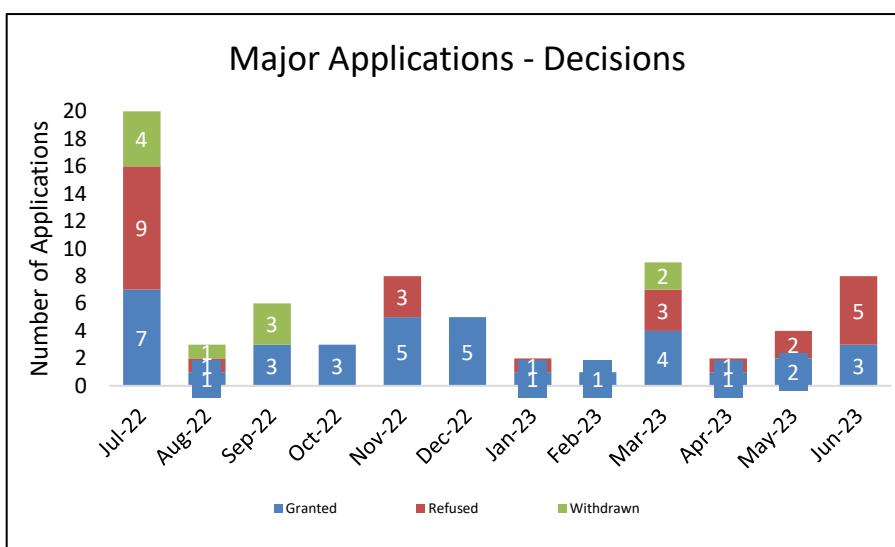
3.4 These targets continue to be achieved due in part to seeking time extensions for dealing with the applications beyond their [original] statutory time-period from applicants. Time extensions might be sought by either party (the applicant or the Council) for a variety of reasons but might include seeking negotiations, complex and/or controversial

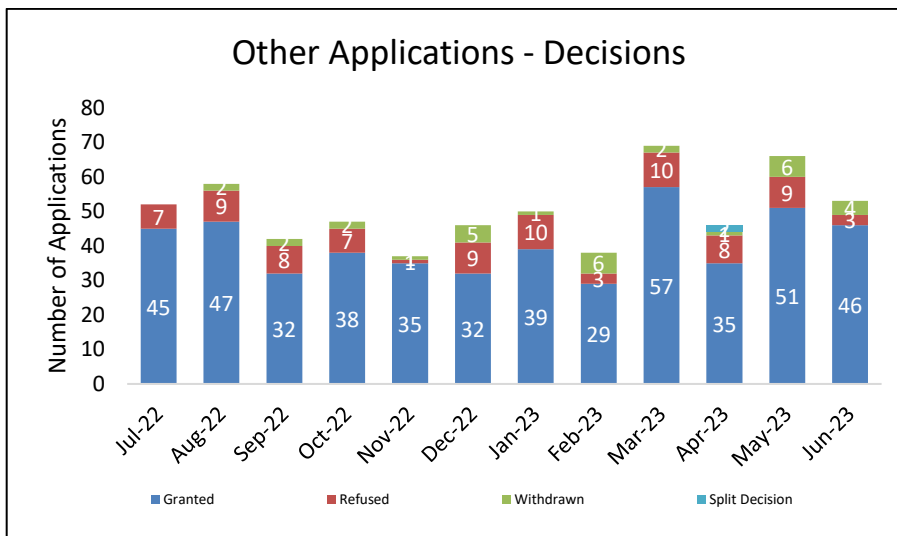
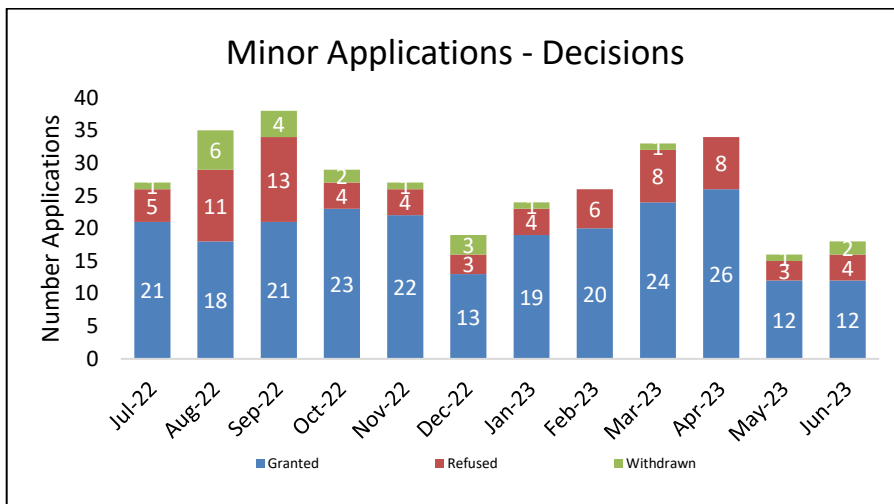
proposals and items presented to Committee. Both parties have to agree in writing to the time extension. Time extensions do not currently go against the authority in terms of speed of decision making when reporting. However, a consultation on '[Increasing planning fees and performance: technical consultation](#)' by the Department for Levelling Up, Housing and Communities may affect how the Council needs to deal with planning applications. The consultation document suggests increasing planning application fees by 35% for major developments and 25% for non-majors. This is said, alongside other changes set out in the Levelling Up and Regeneration Bill, will give additional resource to planning departments and thus improve performance. However, within the consultation, the government has criticised planning authorities in relation to the number of extension of time agreements. The consultation proposed to monitor performance on the basis of those applications determined solely within the statutory 8 and 13-week timescales i.e. excluding extension of times and Planning Performance Agreements.

- 3.5 This might necessitate in the Council changing its processes whereby rather than negotiating with applicants over development proposals in order to achieve an approval as opposed to a refusal, the application is refused, due to agents not being able to submit the necessary information to the Council within the statutory timescales. As advised previously, it would be possible to determine all applications within statutory timescales without a request for, or agreement to, a time extension. However, this would have consequential implications in terms of potential complaints and/or increased appeals. One of the aims of the changes suggested within the consultation, as well as improving performance, is also to encourage developers to seek pre-application advice prior to the submission of an application. The outcome of the consultation is awaited, after which a review will be undertaken to establish whether changes to processes are necessary (and advice to applicants/agents who frequently submit applications in respect to any changes). This review will be undertaken alongside the outcome of a survey currently being undertaken by the Planning Department in relation to customer service delivery [for applicants] for both application processing as well as pre-application advice.
- 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. The number of applications with extensions of time fluctuate quarter on quarter. As is always the case, Officers continually strive to deal with applications in a timely manner whilst working proactively with applicants.



3.7 The number of decisions each quarter fluctuates, although it can be seen in the graph above that for April, May and June the numbers have been consistent and towards the higher end. The graphs below 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 can issue a split decision are for advertisement and tree applications, unlike the Planning Inspectorate who is able to do this for all application types. Minor and Other applications show the majority of applications were granted, however, unusually there are a greater number of major applications refused than is the normal trend (8 refused, with 6 granted). For Minors, an average of 73% were approved and for Others, 86%. Withdrawals (14 in the 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

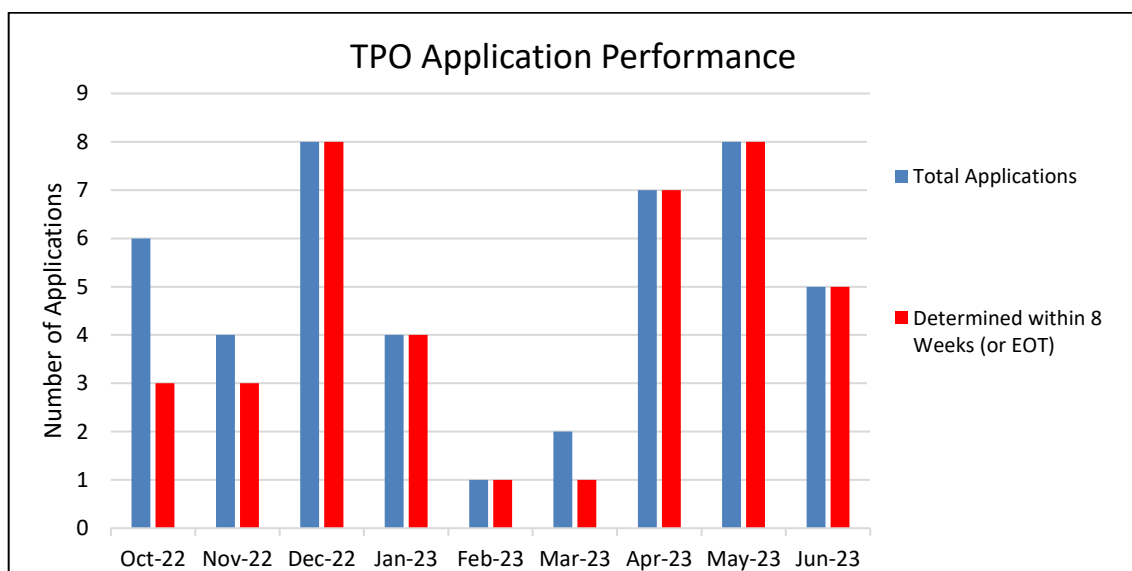
4.1 Trees are a valued amenity contribution to the character of the District. Those that are subject to a Tree Preservation Orders (TPOs) or within a Conservation Areas require consent from the Council before works are commenced. In relation to unprotected trees within a Conservation Area, the consent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

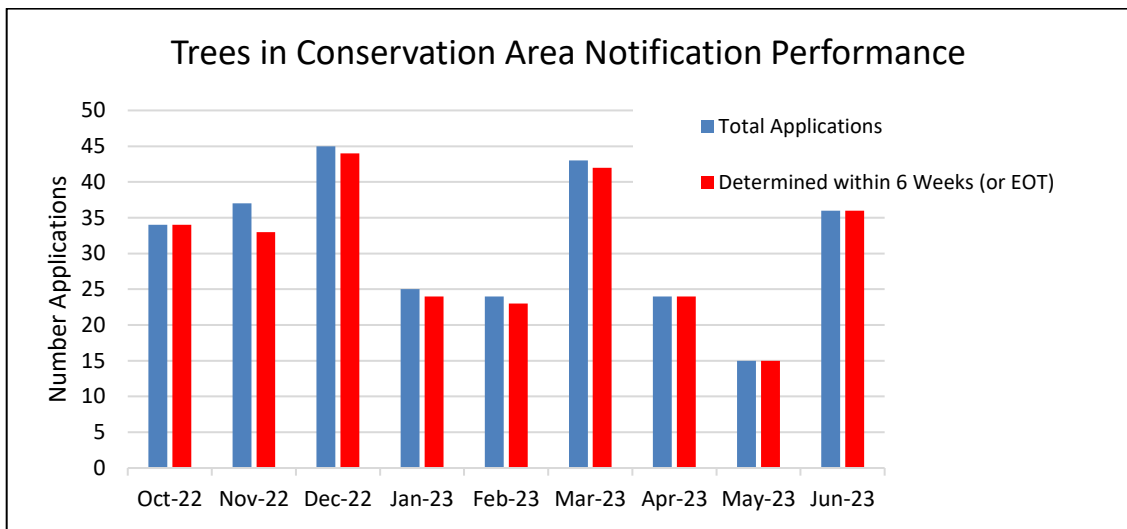
- Its condition and suitability
- Its remaining longevity (in years) and suitability
- Its relative public visibility and suitability
- Other factors, such as whether it has historical value, its rarity, whether it is part of a group etc.

Where it meets these criteria, a TPO will be made. Applications for works to trees in a 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 (and the associated Order not issued), the applicant may undertake the works

that they were seeking consent for. These applications are not subject to a planning fee.

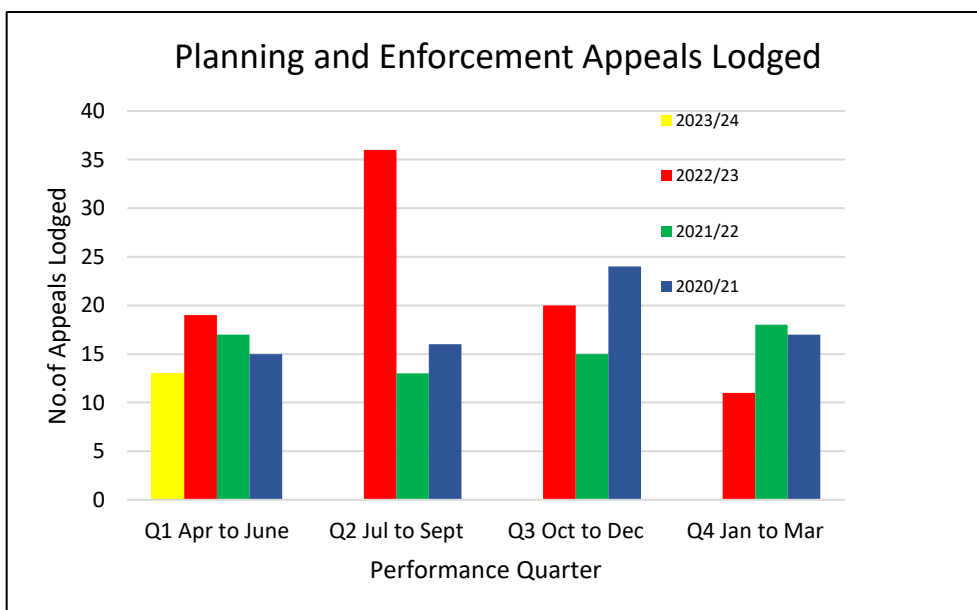
4.2 The following graphs show the number of TPO and Trees within a Conservation Area (TWCA) applications determined each month and whether they were determined within the statutory timescales. The graphs indicate the lack of consistency in terms of the numbers of applications received each month, making 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. In the last quarter, all TWCA applications were determined within the 6-weeks. Whilst performance had dropped slightly over recent months/quarters, this had been due to a number of factors, including time taken around our proactive approach with negotiations between ourselves and agent/applicants regarding amendments to proposed works to bring in line with BS3998.2010. This British Standard gives general recommendations for tree work as well as guidance on management options for established trees. This had consequentially seen delays regarding time taken to reply and the agent/applicant's availability to meet on site. Additionally, further engagement has previously been required to seek clarity of proposals due to vague description of works during the course of the application. The training undertaken with the Technical Support team who validate the applications to seek appropriate descriptions of work from the outset appears to have had a positive outcome. In addition, it would appear that 'better' submissions are being received due to the engagement undertaken by the Tree/Landscaping Officer over the previous 12-months with agents regularly submitting works to trees. This engagement will continue and it is hoped quality of submissions as well.

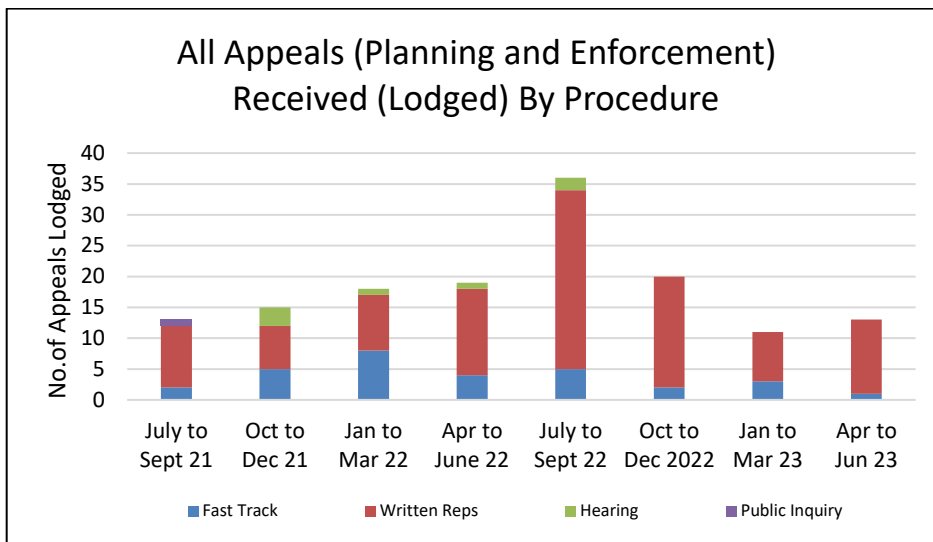




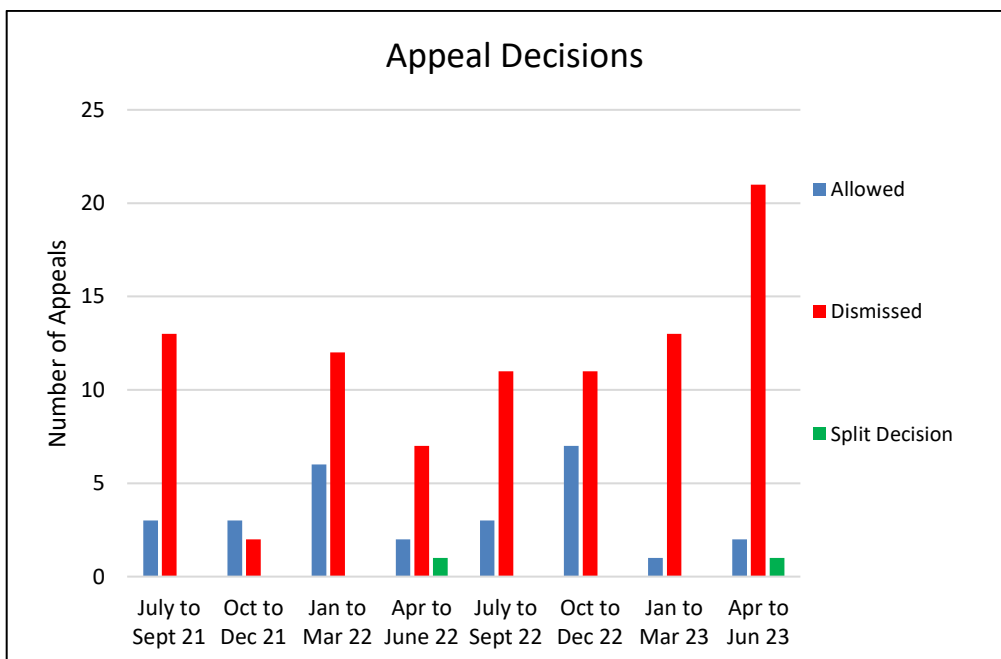
5.0 Appeals

5.1 The charts below show the number of appeals against planning applications and enforcement notices that have been submitted over the last 3-4 years, quarter on quarter. It can be seen that the total number of appeals fluctuates, particularly with reference to Q2 2022/23 which 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 has impact upon workloads. There are 4 types of appeal – inquiry, hearing, written representations and fast track with the amount of resource required, from very high to low respectively. The majority of appeals, fortunately, are written representation appeals which have less resource implications due to being an exchange of statements. Members will be aware that for planning appeals, the Officer Report (both for delegated and Committee decisions) is detailed and therefore little additional information is generally required.





5.2 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). This quarter has seen an increase in the number of decisions issued by the Inspectorate compared to previous quarters, from 14 to 24. The number dismissed continues to significantly exceed the number allowed and for the monitoring period between April to June 2022 the number allowed is 2, representing 8%, in 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. A number of appeals were varied (9) and these relate to planning enforcement notice appeals where the Inspector allowed the appellants a greater amount of time to comply with the notice. These are recorded below under the dismissed category.



5.3 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 and all non-

major (i.e. minor and others) decisions made 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 appeal performance 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 both major and non-major applications the Council is significantly within the thresholds.

6.0 Updates

- 6.1 Staffing – Since the previous report was presented, there have been further changes to staffing. The GIS (Geographical Information Services) Lead Officer has joined the authority (Andy Ingall). In addition, the Biodiversity and Ecology Lead Officer has joined (Nick Law). Both posts have lots of challenges ahead, but also many exciting opportunities. The Regulations in relation to Biodiversity Net Gain are still awaited, after which training will be provided to Officers and Planning Committee Members, as well as any other Councillor who is interested. Additionally, with the Development Consent Order (DCO) progressing for the dualling of the A46, Lynsey Preston has been seconded from Planning Development to deal with this project. Procurement has been undertaken in order to back-fill Lynsey's post, and the officer will shortly join the Council on a fixed-term basis.
- 6.2 A separate report has been included as part of this agenda relating to amendments to permitted development rights relating to campsites, filming and prison fences. It is anticipated there will be further changes to the General Permitted Development Order following a recent Government consultation. This will be in addition to changes resulting from the LURB and the consultation for 'increase in planning fees and associated improvement in planning performance', both referenced earlier.
- 6.3 The Conservation Team have also recently posted leaflets to affected households in relation to the recently amended Conservation Areas for Newark, Ollerton, Southwell and Laxton. They are also progressing the non-designated heritage assets (NDHA) review in accordance with the NDHA [adopted criteria](#).
- 6.4 Progress is also being made in relation to provision of TPO's and planning Enforcement Notices online as well. Checks need to be made before they are published to ensure the Council complies with Data Protection and other legal duties. Once they are all published, this will reduce the number of requests for the documents to be provided and enable a 24-7 service.

7.0 Implications

In writing this report officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

8.0 Conclusion

8.1 Performance continues to be met and exceeded. There are always areas where improvements can be made and it is hoped that if application numbers submitted remain at their current level that further improvements can be made. Overall, the department has been able to provide an excellent service.

Background Papers and Published Documents

None