



Report to Planning Committee 7 December 2023

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Report Summary	
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 July to September 2023. In order for the latest quarter's performance to be understood in context, in some areas data going back to July 2021 is provided. The performance of the Planning Enforcement team is provided as a separate report.
Recommendations	For noting. The services it assists in the delivery of Community Plan Objectives: <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

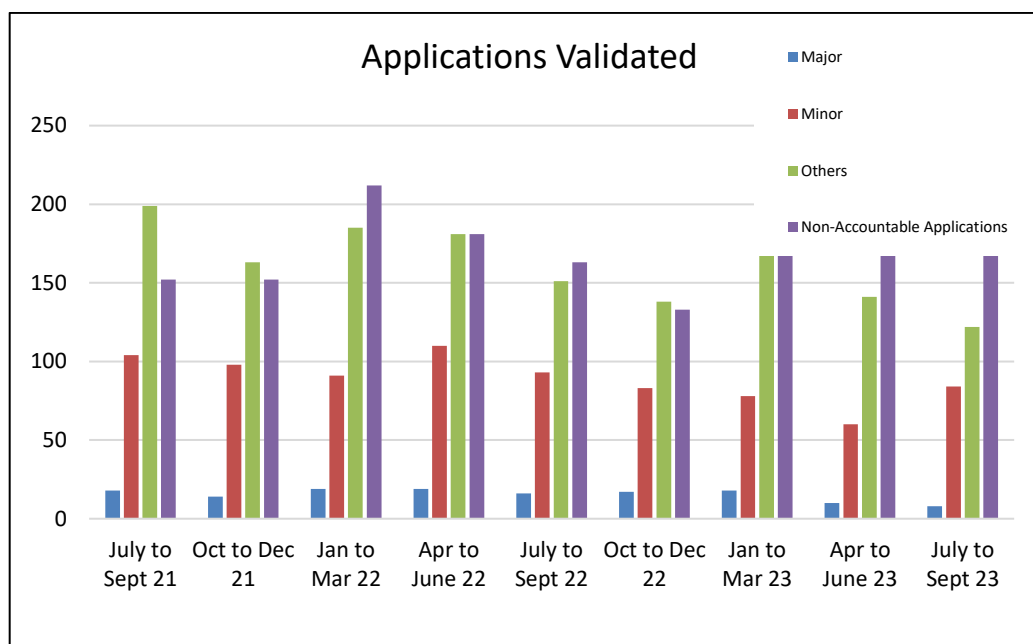
1.0 Background

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 July 2021 up until September 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 second quarter of 2023/24, a total of 586 valid applications were received. This, compared to the same quarter in 2022/23 shows a reduction from 623 applications or an approximate 6% decrease in application workload. The trend of application numbers being lower than during the pandemic in 2021/22 continues. It would appear the increase during the pandemic were outliers and numbers are returning what is the norm. 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 minor developments, permitted development enquiries, tree works and non-countable.



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.

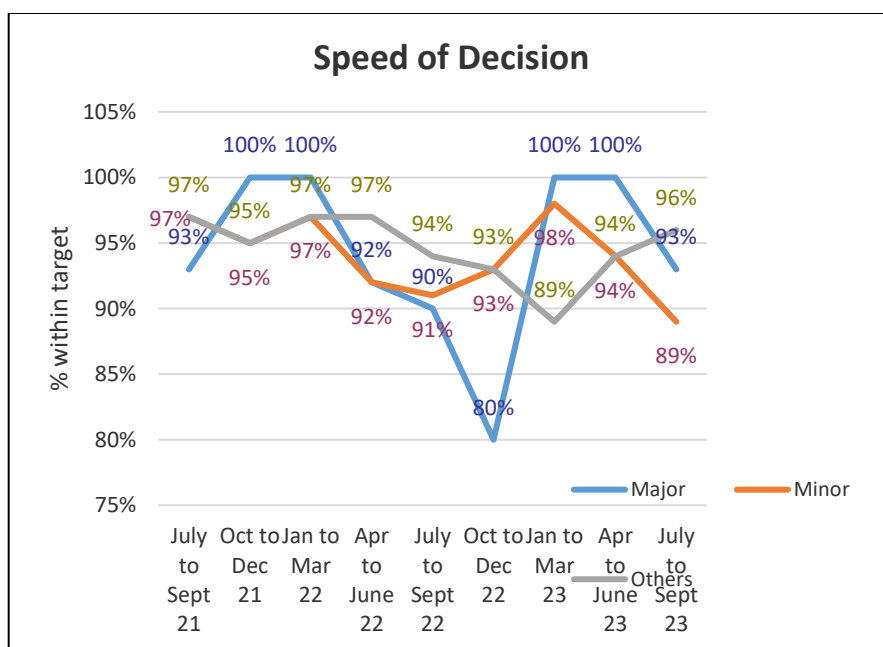
2.3 The 'non countable' category are those applications which are not reported to the Department for Levelling Up, Housing and Communities (DLUHC). Such applications include, but are not limited to prior approvals, discharge of conditions, etc.

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 July to September 2023, 93% of major applications have been determined within these timescales, which is a drop compared to the previous quarter. This is as a result of 1 of the 14 decisions made being outside agreed dates.

- 3.2 For non-majors, the target set nationally is 70% over a two-year period. 92.5% of non-major applications during Q2 have been determined in time. The graph below shows non-majors separated out between minor and others.
- 3.3 These targets are challenging when taking account, in accordance with the National Planning Policy Framework, working 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.
- 3.4 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.
- 3.5 The following graph relates to the percentage of planning applications determined within set timescales.

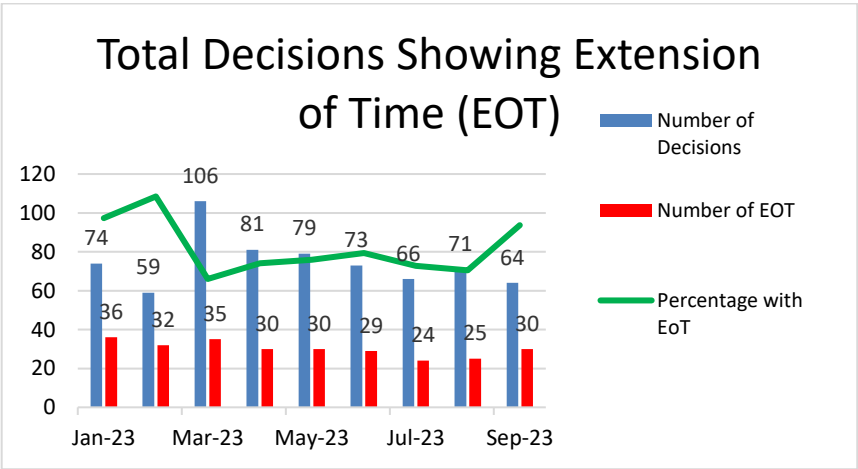


- 3.6 These targets continue to be achieved due in part to seeking time extensions for dealing with the applications beyond their [original] statutory time-period from applicants. Time extensions might be sought by either party (the applicant or the Council) for a variety of reasons but might include 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, as previously reported to Members 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 suggested increasing planning application fees by 35% for major developments and 25% for non-majors. This fee increase has been agreed by both House of Lords and Commons and are awaiting being formally 'made'. This increase in fees is said,

alongside other changes set out in the Levelling Up and Regeneration Bill (now Act), 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.

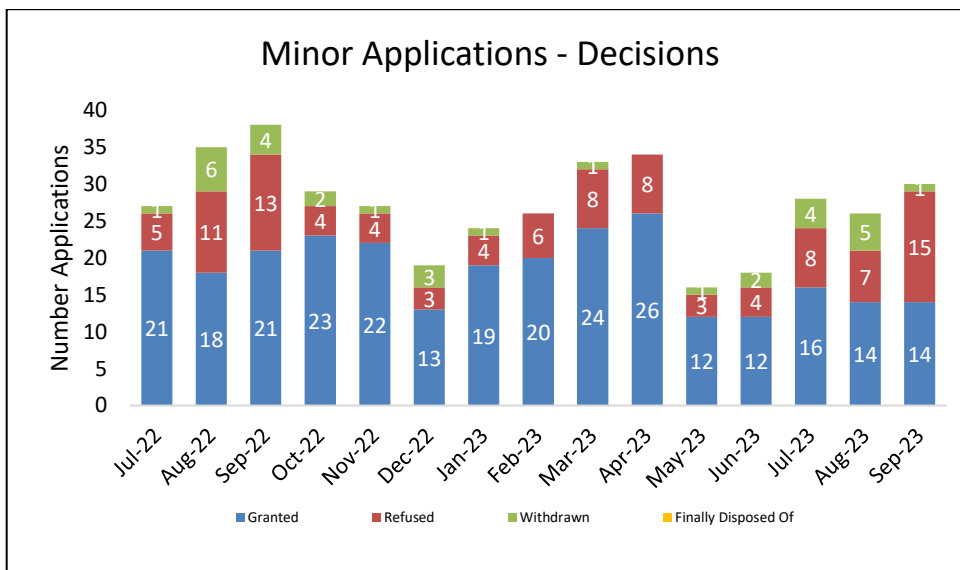
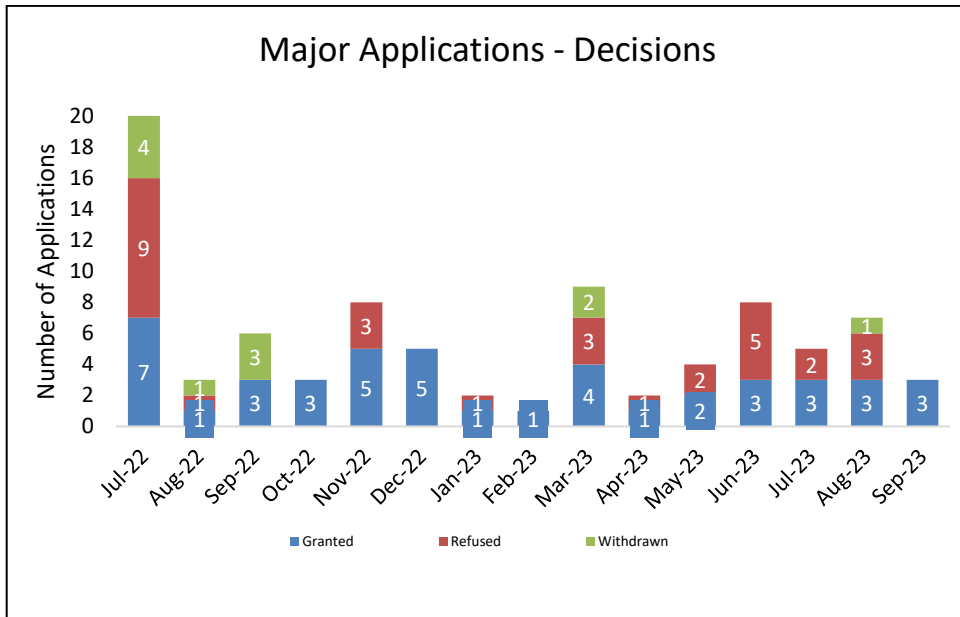
3.7 As advised in the previous report, the outcome of the ‘performance’ element is being considered by the Government. When any information is known, this will be reported, together with any changes to processes that might be required in order to ensure that performance is maintained. This will be undertaken 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.

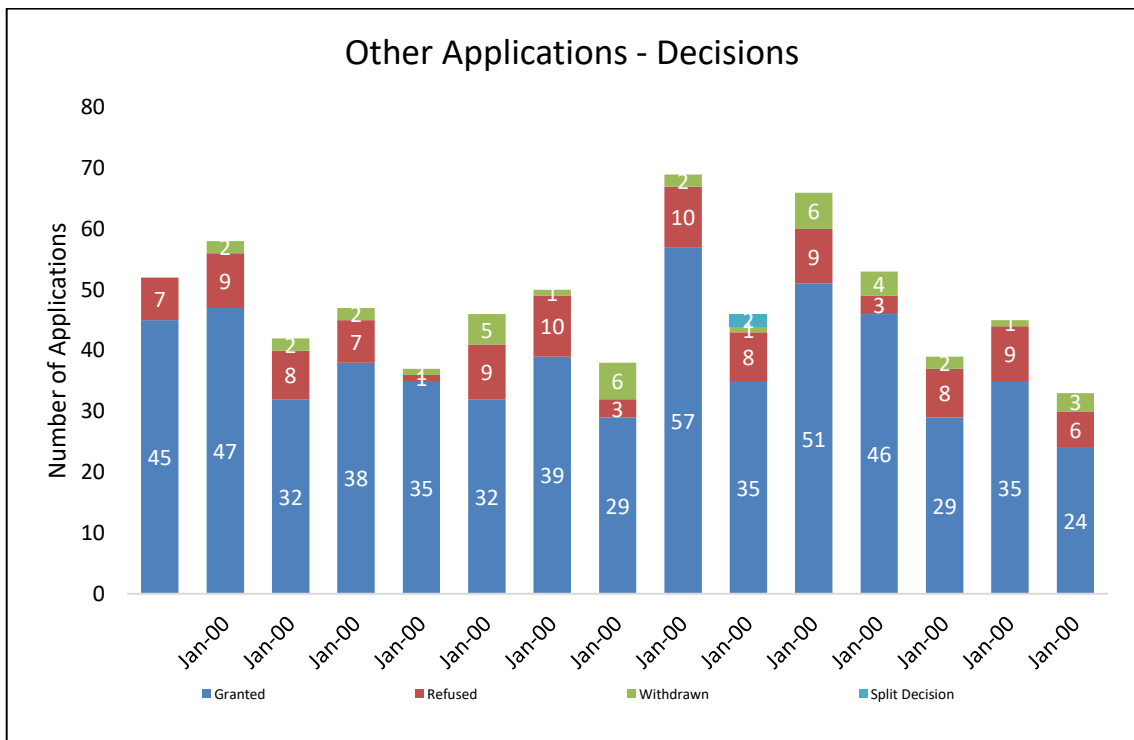
3.8 The graph below shows the total number of applications determined each month in blue and alongside, those in red are the number of applications where time extensions have been sought of those determined. Seeking time extensions means that case officer workloads increase overall which makes dealing 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.



3.9 The number of decisions each quarter fluctuates, although it can be seen in the graph above that for July, August and September the numbers have been consistent although slightly fewer than the previous quarter. 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. In relation to the percentage of applications approved, compared to the number determined (including withdrawals), for majors 60%, minors 55% and others, 75%. Withdrawals (13 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. However, the draft Fee Regulations detail that the exemption relating to free-go's will be removed (subject to time limited criteria).





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 (TWCA) 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:

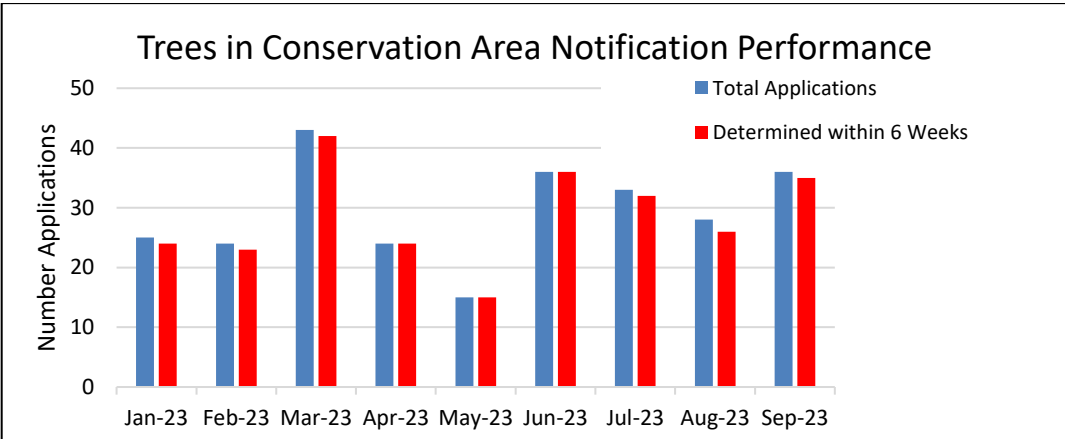
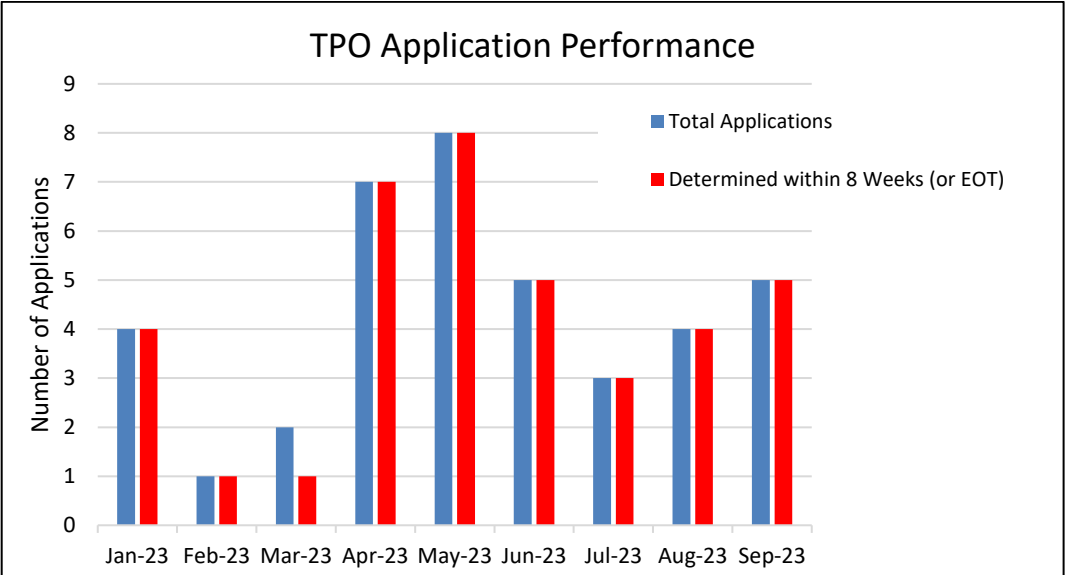
- Its condition and suitability
- Its remaining longevity (in years) and suitability
- Its relative public visibility and suitability
- Other factors, such as whether it has historical value, its rarity, whether it is part of a group etc.

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), time is taken to proactively engage, 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 has consequentially seen delays regarding time taken to reply and the agent/applicant’s availability to meet on site. This can, for a small number, result in a delay in issuing the Council’s decision (over the statutory 42 days). In the last quarter, the service determined 97 TWCA notifications, 92 within the 6-weeks. Of the remaining 5, delays to 3 were due to further discussions with applicant/agent alongside additional time for onsite meetings. However, it is with regret to report, the remaining 2 are because of a delay in issuing the decision.

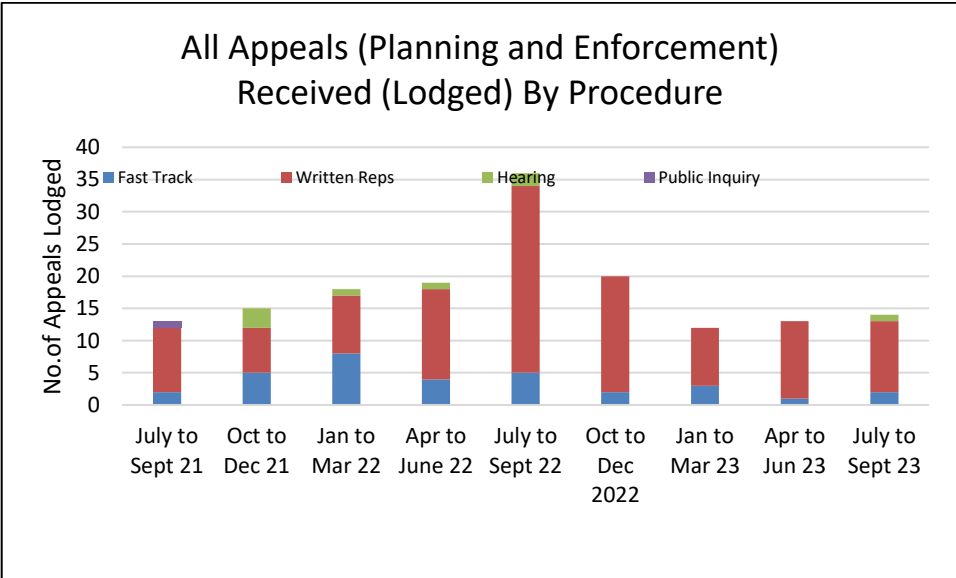
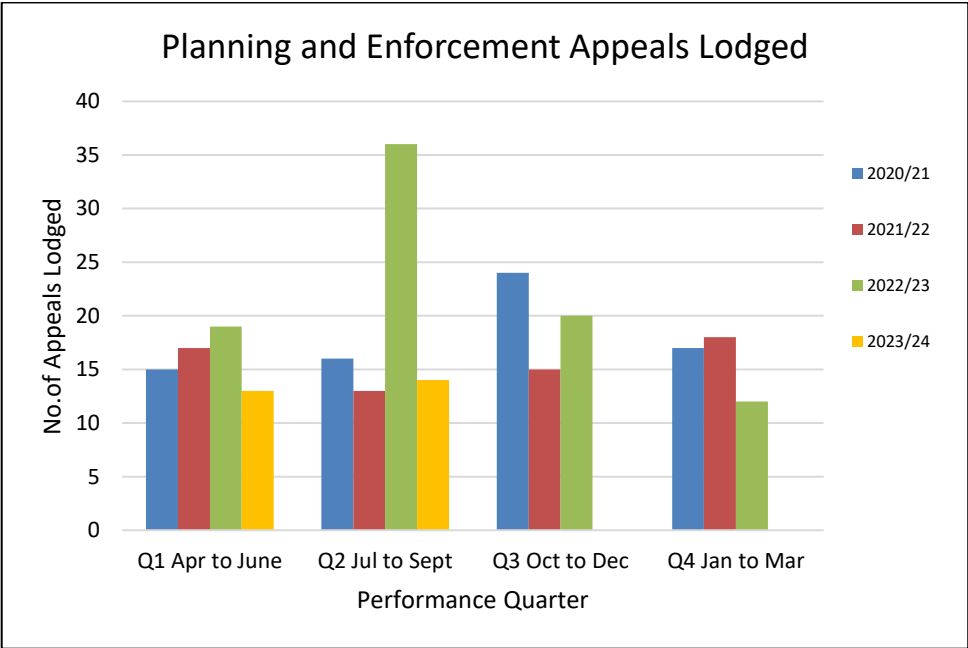
Overall, previous training undertaken with the Technical Support team who validate the applications to seek appropriate descriptions of work from the outset continues to have had a positive outcome. In addition, ‘better’ submissions are being received due to the engagement undertaken by the Tree/Landscaping Officer. This engagement will continue and it is hoped quality of submissions as well.



5.0 Appeals

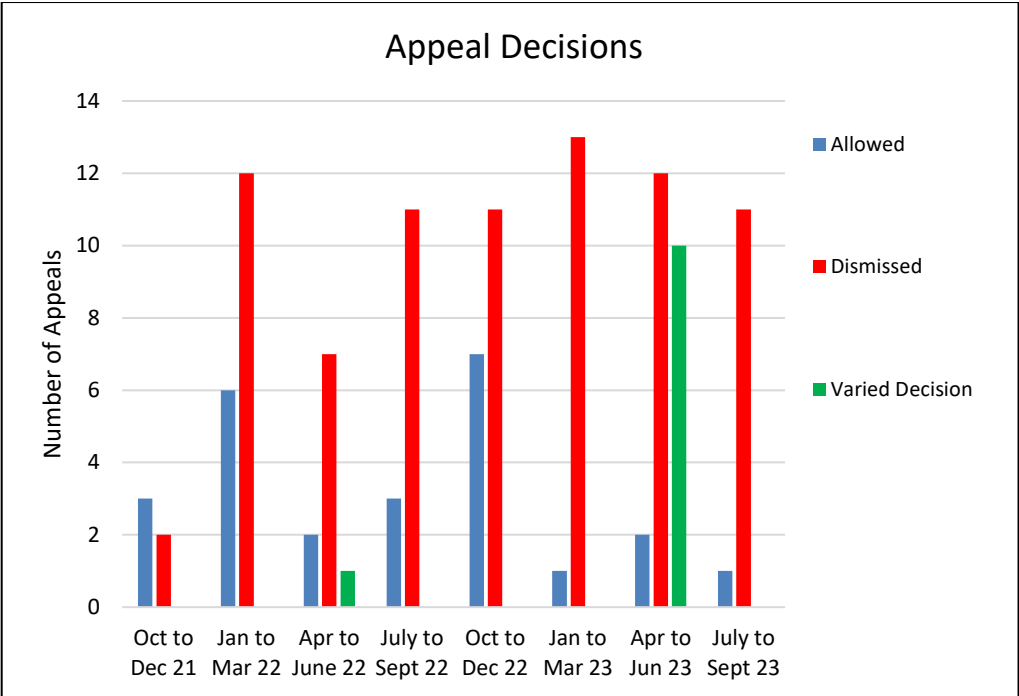
5.1 The charts below show the number of appeals against planning applications and enforcement notices that have been submitted over the last 3-4 years, quarter on

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 a decrease in the number of decisions issued by the Inspectorate compared to previous quarters, from 24 to 12. The number dismissed

continues to significantly exceed the number allowed and for the monitoring period between July to October 2023 the number allowed is 1 out of 11 decisions, representing 9%, in line with the Government’s previous target of having no more than 33% being allowed. For information, when a split decision has been issued, in terms of the Government’s monitoring, this is treated as a dismissal.



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 – there have been no changes to staffing in the last quarter.

6.2 The Levelling Up and Regeneration Bill became an Act on 26th October 2023. The impact of this Act will be considered and an update provided to members in due course. The majority of the Act is not in force with some areas coming into force on the 26th December. Other areas require secondary legislation to be issued. The proposed implementation of biodiversity net gain in November has been delayed until January 2024 for major developments. There is no change to the implementation for non-major (being April 2024). Guidance and Regulations have yet to be published.

- 6.3 A report was presented to Planning Committee in September on proposed changes to permitted development rights. No response has been provided to this consultation.
- 6.4 Following the consultation in relation to planning performance and fee increases, fee regulations have been published increasing the fee for major applications by 35% and all other application types by 25%. This comes into effect on 6th December. There are other changes to legislation with the removal of free-go', subject to defined criteria. In addition, the planning guarantee for non-major decisions has been reduced from 26-weeks to 16-weeks. 26 weeks still applies to major developments. The guarantee is that any application determined beyond this number of weeks shall have the fee refunded unless an extension of time has been agreed.
- 6.5 The Planning Development and Public Protection & Licensing teams are progressing the procurement of software to deliver our services. In relation to planning, this will be a significant piece of work requiring significant investment of time in setting up the software to ensure that our service is able to continue without interruption. It is expected that a number of improvements will be made meaning the service will be able to be operated in a more effective way for the benefit of all involved.
- 6.6 The Council will shortly be dealing with 3 Nationally Strategic Infrastructure Projects (NSIPs) – A46 dualling, solar farms – one within the South Clifton area (including both West Lindsey and Bassetlaw) and the other in the Carlton, Norwell, Muskham (etc.) locality. These will have, both individually and collectively, significant resource impacts on the department. Resources are being secured from the developers to deal with these.
- 6.7 The progress reported in the previous performance report in relation to the provision of TPO's online has been completed and they can now be viewed via the Council's Public Access System. This will hopefully benefit all residents and businesses in the District by having this information available 24-7.
- 6.8 The Planning Application Validation Checklist has had a minor amendment relating to the need for Preliminary Bat Roost Assessments. An email to all agents who have submitted applications to us over the previous 12-months was sent out to advise of this change and to provide a copy of the Explanatory Note.

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 significant challenges for the team in view of the number and types of proposals being submitted and engagement with as well as major projects, such as the software procurement.

8.2 However, the team, as always is keen and positive towards always improving and meeting the high standards it always aims to achieve.

Background Papers and Published Documents

None