



Report to Planning Committee 15 February 2024

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Report Summary	
<b>Report Title</b>	Development Management Performance Report
<b>Purpose of Report</b>	This report relates to the performance of the Planning Development Business Unit over the three-month period October to December 2023. In order for the latest quarter's performance to be understood in context, in some areas data going back to October 2021 is provided. The performance of the Planning Enforcement team is provided as a separate report.
<b>Recommendations</b>	For noting. The services it assists in the delivery of Community Plan Objectives: <ul style="list-style-type: none"> <li>• Increase the Supply, Choice, and Standard of Housing</li> <li>• Protect and enhance the district's natural environment and green spaces</li> <li>• Reduce the impact of climate change</li> </ul>

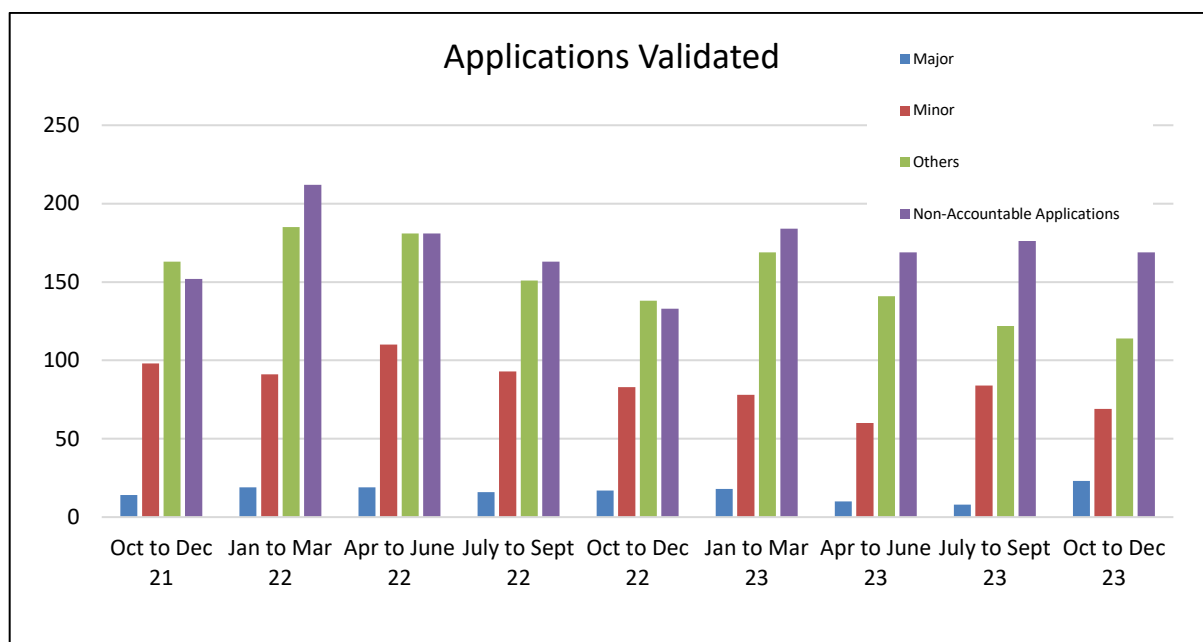
**1.0 Background**

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 October 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 third quarter of 2023/24, a total of 563 valid applications were received. This, compared to the same quarter in 2022/23 shows a very marginal reduction from 566 applications. Compared to the previous quarter, all application types have decreased with the exception of majors which have significantly

increased from 8 to 23 and householders which have increased by 5 applications to 83. The number of major applications is higher than during any quarter since July to September 2021.



2.2 'Major' applications are those with 10 or more dwellings, sites of 1 hectare or more, or provision of 1,000m<sup>2</sup> 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.

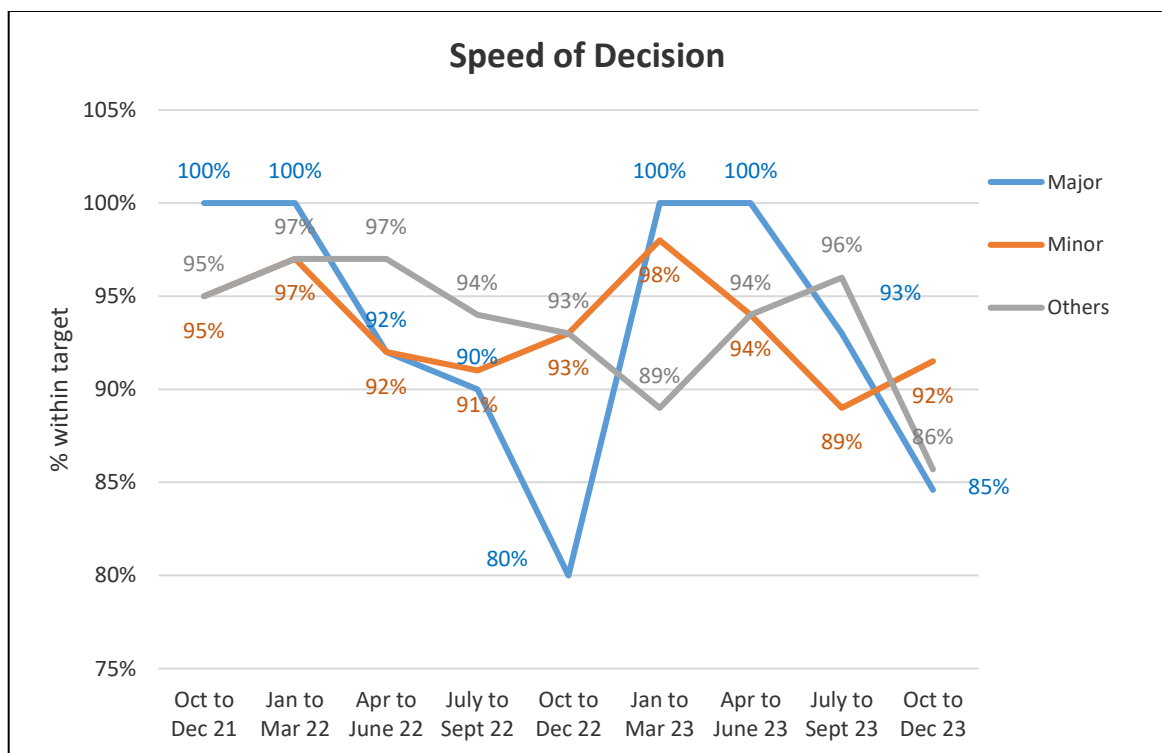
2.3 The 'non countable' category are those applications which are not reported to the Department for Levelling Up, Housing and Communities (DLUHC). Such applications include, but are not limited to prior approvals, discharge of conditions, etc.

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 October to December 2023, 85% of major applications have been determined within these timescales, which is a drop compared to the previous quarter. This is as a result of 2 of the 13 decisions made being outside agreed dates.

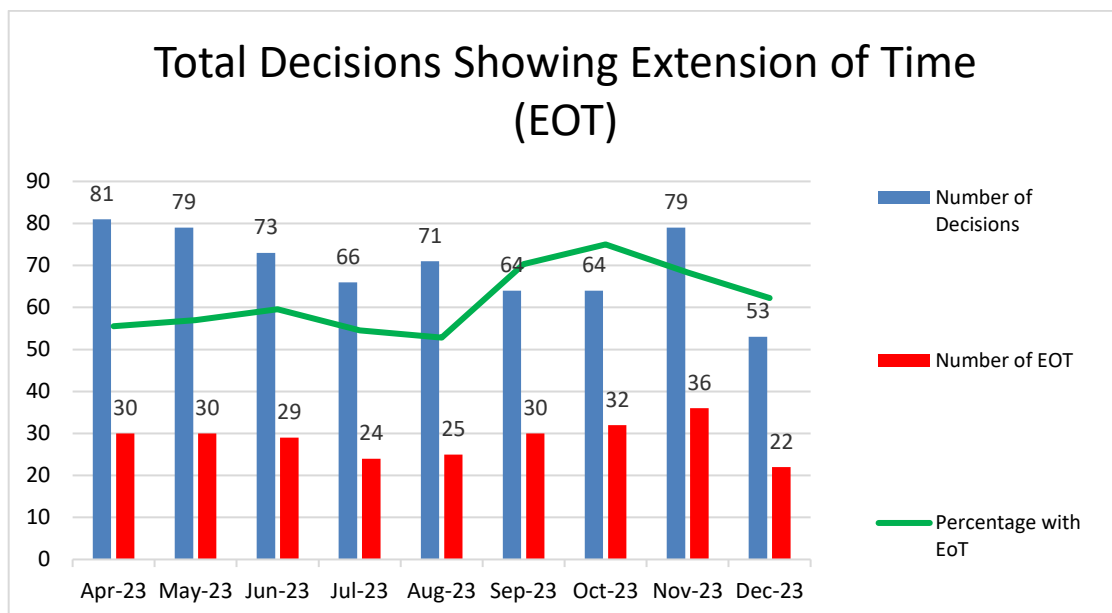
- 3.2 For non-majors, the target set nationally is 70% over a two-year period. 89% of non-major applications during Q3 have been determined in time. The graph below shows non-majors separated out between minor and others.
- 3.3 These targets are challenging when taking account, in accordance with the 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.



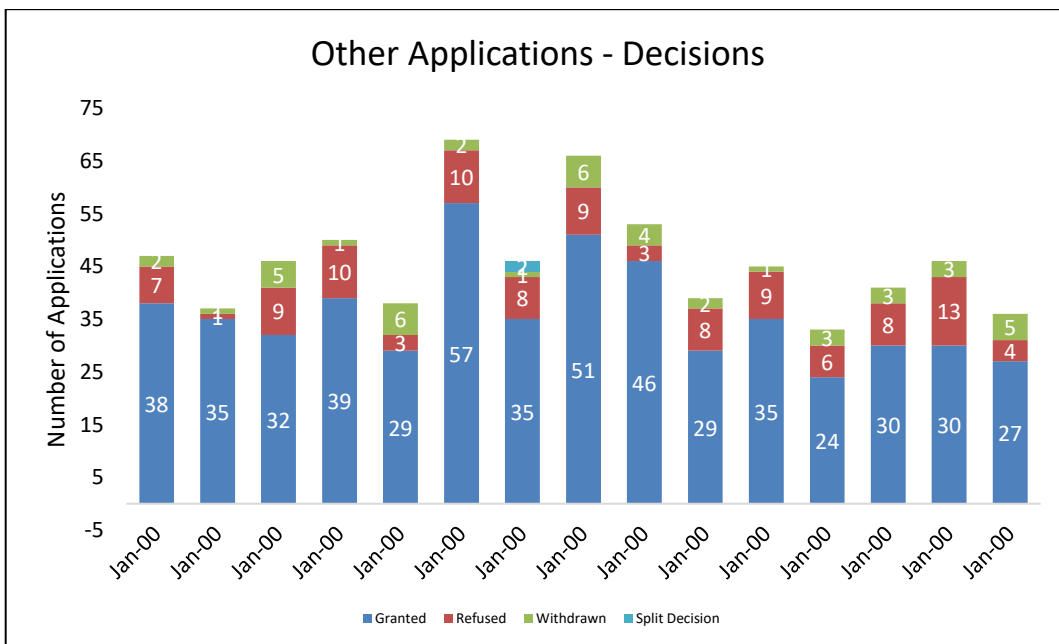
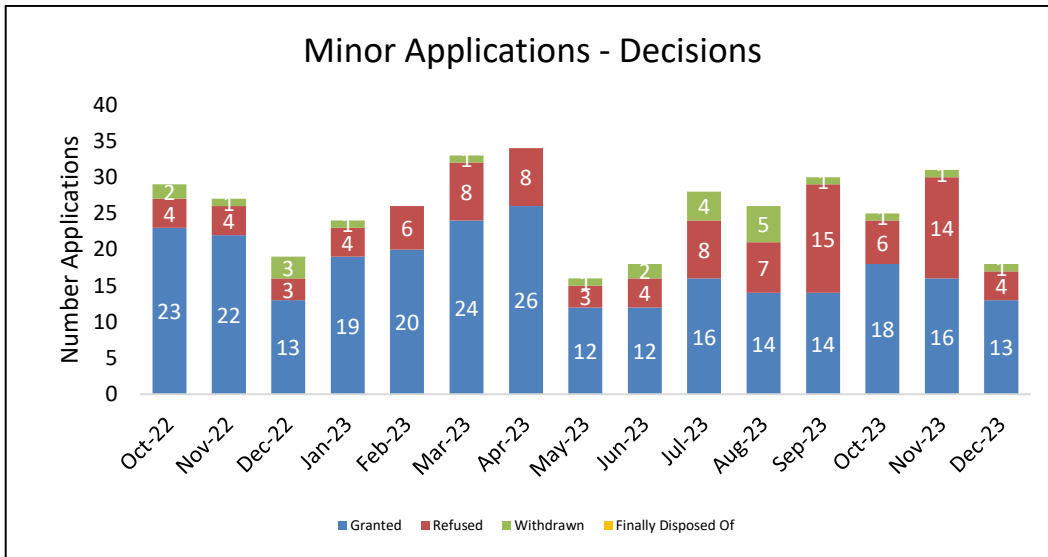
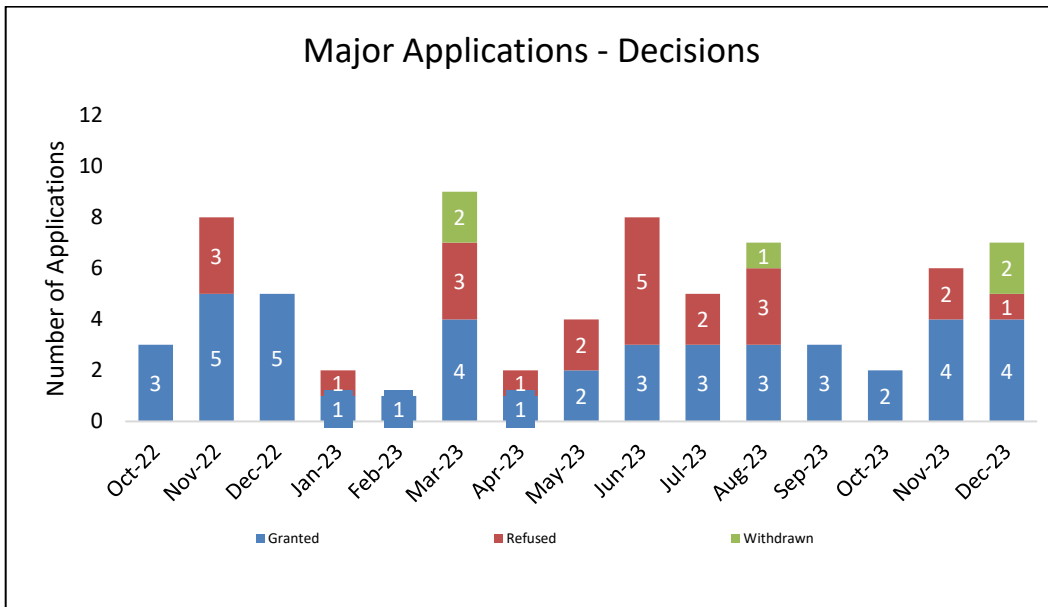
- 3.6 These targets continue to be achieved due in part to seeking time extensions for dealing with the applications beyond their [original] statutory time-period from applicants. Time extensions might be sought by either party (the applicant or the Council) for a variety of reasons but might include 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 reported to Members at January's Planning Committee, the Government is looking to change the 'rules' in relation to when extension of time agreements can be sought as well as their frequency.

3.7 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. The percentage of applications with extension of times is provided in green. 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 October, November and December the numbers have fluctuated but overall is largely comparable with 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 67%, minors 63.5% and others, 70%. Withdrawals (16 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 Fee Regulations detail that the exemption relating to free-go’s are removed for applications received as valid after 6<sup>th</sup> December 2023.



## 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.

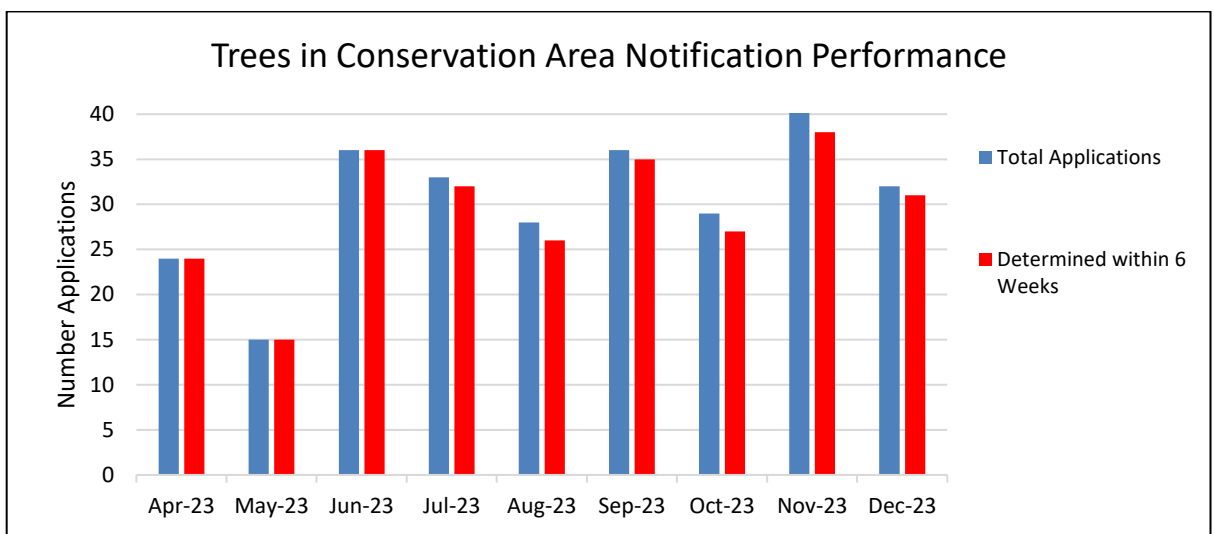
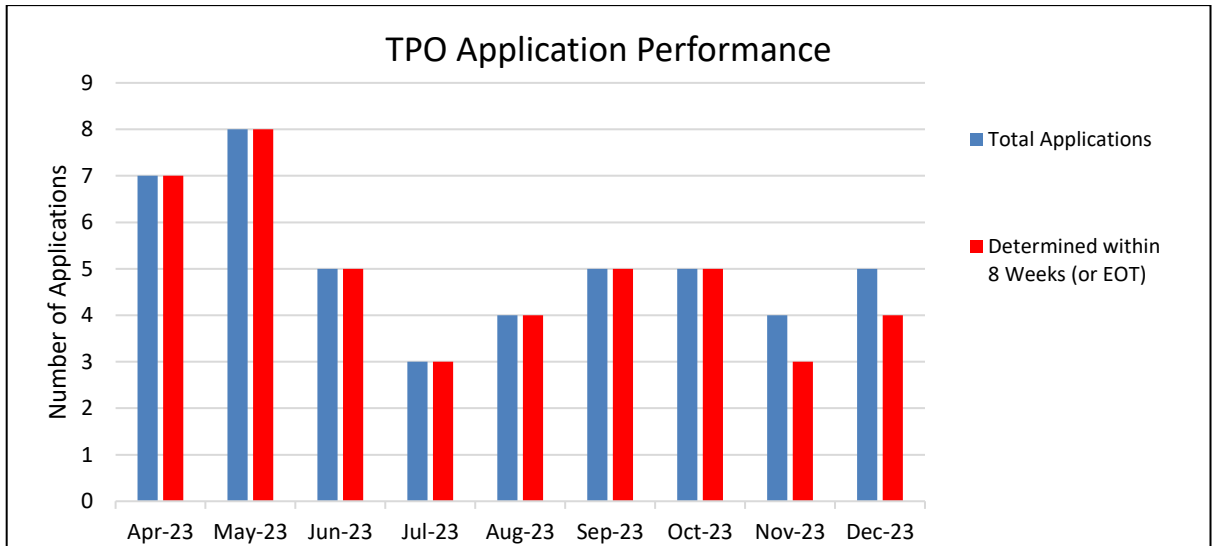
Where it meets these criteria, a TPO will be made. Applications for works to trees in a Conservation Areas require the Council to make their determination within 6-weeks and the Order issued within this timescale. If a decision is not made by the first day of the 7th week (and the associated Order not 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 us 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 103 TWCA notifications, 96 within the 6-weeks. Of the remaining 7, 3 were due to delays in receiving confirmation of works from applicant/agent (due to findings from case officer site visits) and 1 required further specialist 'climbing' works to provide evidence of cavities etc within the tree's canopies (due to subject trees high public amenity value). However, it is with regret to report, the remaining 3 are due to a delay in issuing the decision, albeit the quarter did see an increase in numbers issued compared to the previous 2 quarters for 2023/24.

As mentioned above, although a small number issued were delayed, this can be attributed to our proactive approach with agents/applicants to ensure accurate descriptions of work. Unlike planning applications, legislation does not allow for an extension of time and gratefully, agreement has been forthcoming to delay in issuing

rather than serving a TPO. Additionally, applicants/agents often need to liaise with a suitably qualified professional to confirm acceptance.

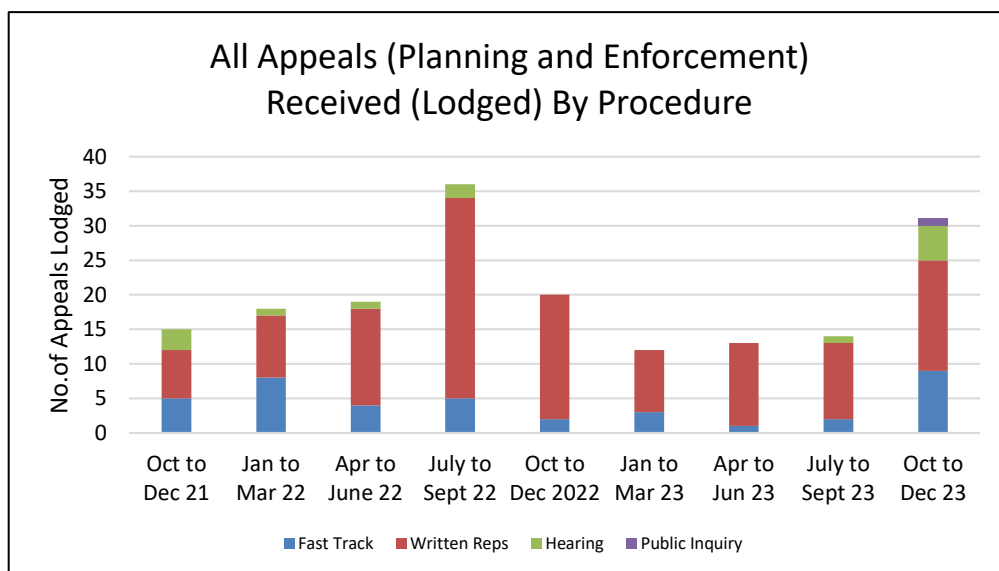
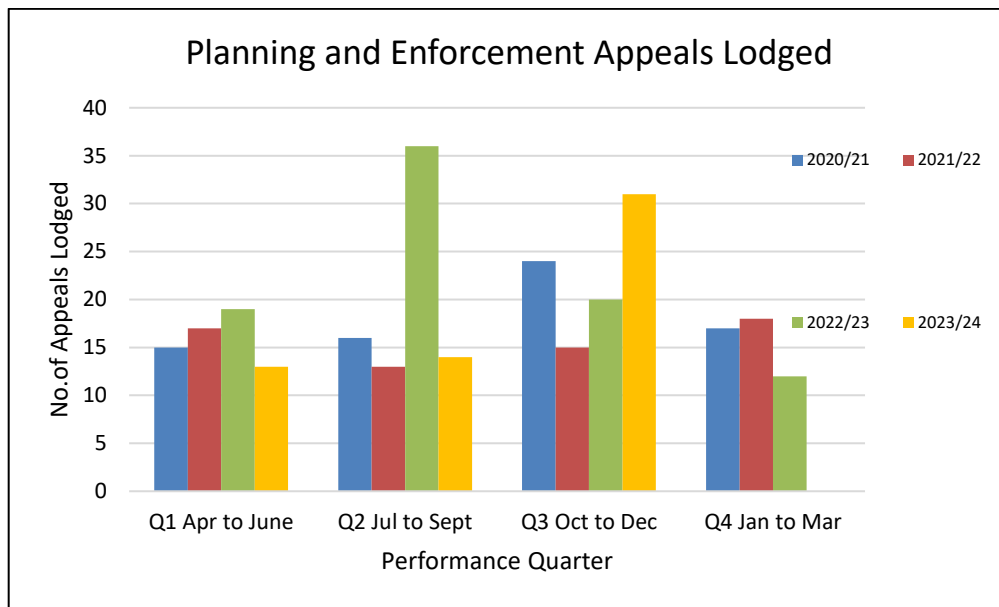
It is hoped, whilst there may be a small number outside of the 42 day target period, amended proposals will not be detrimental to the subject tree's ongoing health and longevity. This proactive approach will continue.



## 5.0 Appeals

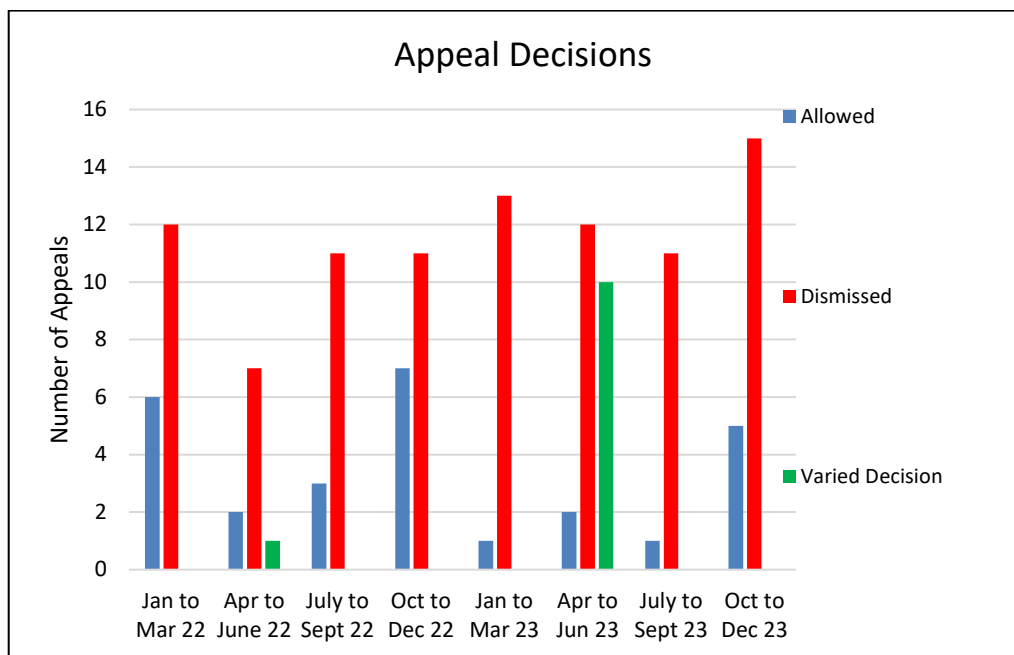
5.1 The charts below show the number of appeals against planning applications and enforcement notices that have been submitted over the last 3-4 years, quarter on quarter. It can be seen that the total number of appeals fluctuates, particularly with reference to Q2 2022/23 which makes resourcing them 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 12 to 20. The number dismissed continues to significantly exceed the number allowed and for the monitoring period between October to December 2023 the number allowed is 5 out of 20 decisions, representing 25%, 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 – Kathryn Smith, Planning Technical Support Officer has left the department. We are undertaking a review of this area of the service prior to undertaking recruitment.

6.2 Reports have been presented to Planning Committee of changes to legislation following the amendment (increase) to planning fees and more permitted development rights relating to solar panels,

6.3 In addition, a report detailing that public speaking at Planning Committee is being explored was presented in November. Further updates regarding this are expected to be presented over the coming months.

6.4 A significant number of changes through the Levelling-up and Regeneration Act 2023 are due to come into force over coming months and years. Details will be provided as they either come into effect or are due to come into effect. Additionally, there will be challenges with the procurement of planning software. The latter will have significant impact upon the resources of the team.

6.5 Lastly, biodiversity net gain will be in effect for major developments from 12<sup>th</sup> February and for all other developments from April. There are a number of exceptions and training will be provided for Members as well as information provided for applicants and agents on our website in due course.

## **7.0 Implications**

7.1 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 being engaged 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