



Report to Planning Committee 9 May 2024

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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 January to March 2024 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 2022 is provided.
Recommendations	For noting. The services it assists in the delivery of Community Plan Objectives: <ul style="list-style-type: none"> • Increase the Supply, Choice, and Standard of Housing • Protect and enhance the district’s natural environment and green spaces • Reduce the impact of climate change

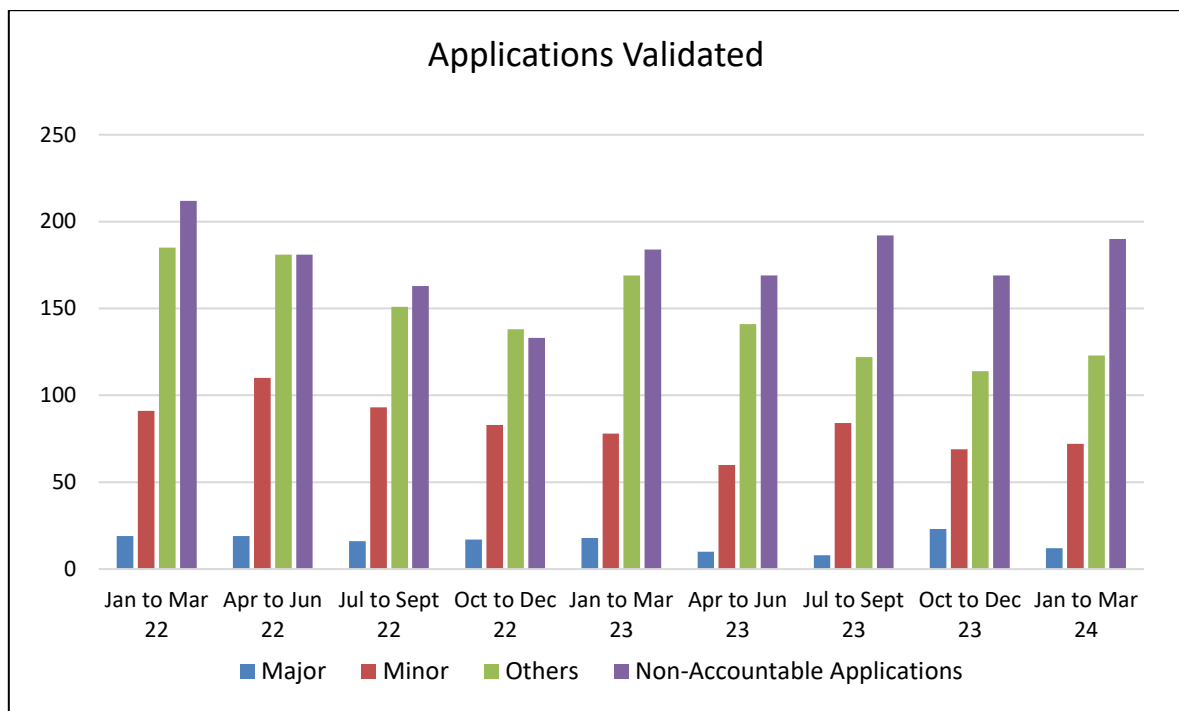
1.0 Background

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 January 2022 up until March 2024. 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 2023/24, a total of 610 applications were received. This, compared to the same quarter in 2022/23 shows a reduction from 625 applications or an approximate 2.5% decrease in workload. This number would appear to be becoming the norm following an increase during the Covid-19 pandemic. The previous annual report identified that whilst overall numbers had reduced, major applications had increased compared to the year before whilst minors, others and non-countable had

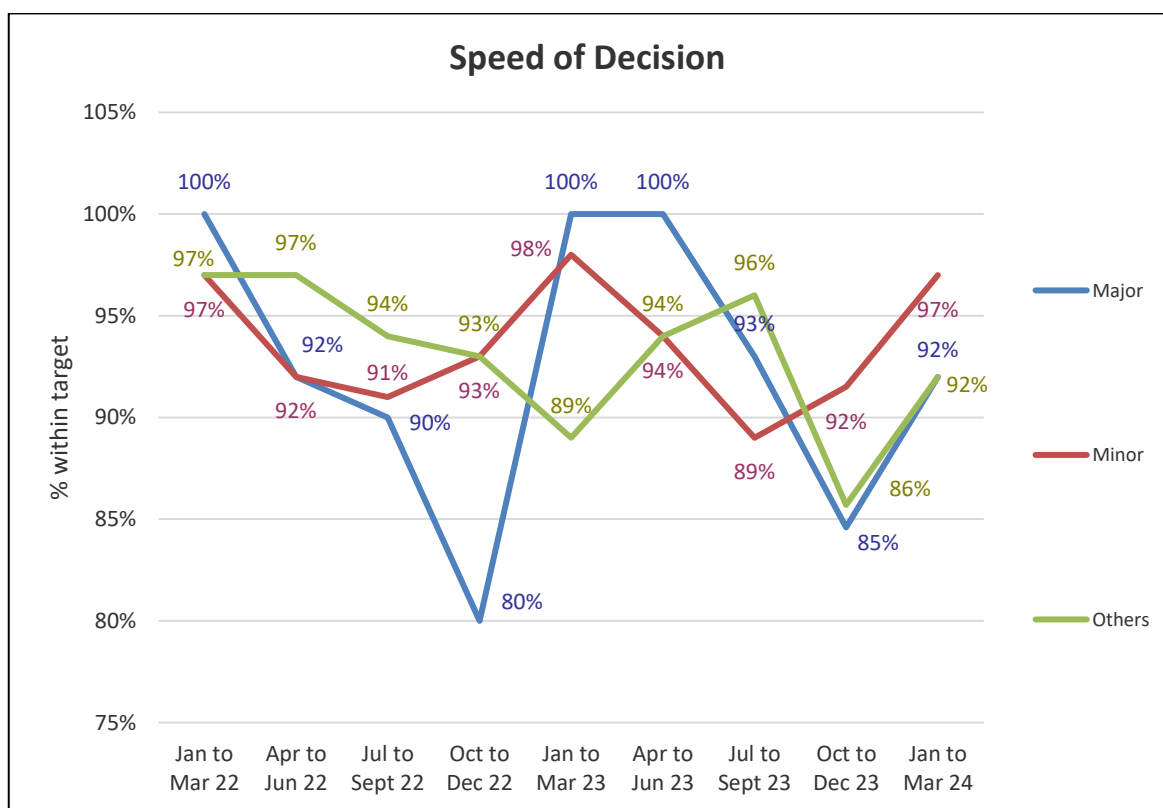
decreased. For this financial year, the number of major applications has decreased quite significantly from 70 across the financial year to 53. As well as the economic climate, it is anticipated the introduction of mandatory biodiversity net gain (BNG) has also been a factor. The requirement for mandatory BNG for major development from the 14th February along with the BNG assessment not being able to be undertaken prior to the 14th February as well as February and March not being an appropriate time for such surveys to be undertaken has undoubtedly had an impact on the submission of new major development proposals. All other application types have reduced with the exception of tree related applications which have marginally increased (456 compared to 440). Across the financial year, in relation to the receipt of all application types there has been a slight decrease from 2669 (for 2022/23) to 2314 applications.



- 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.
- 2.3 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.
- 2.4 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.
- 2.5 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

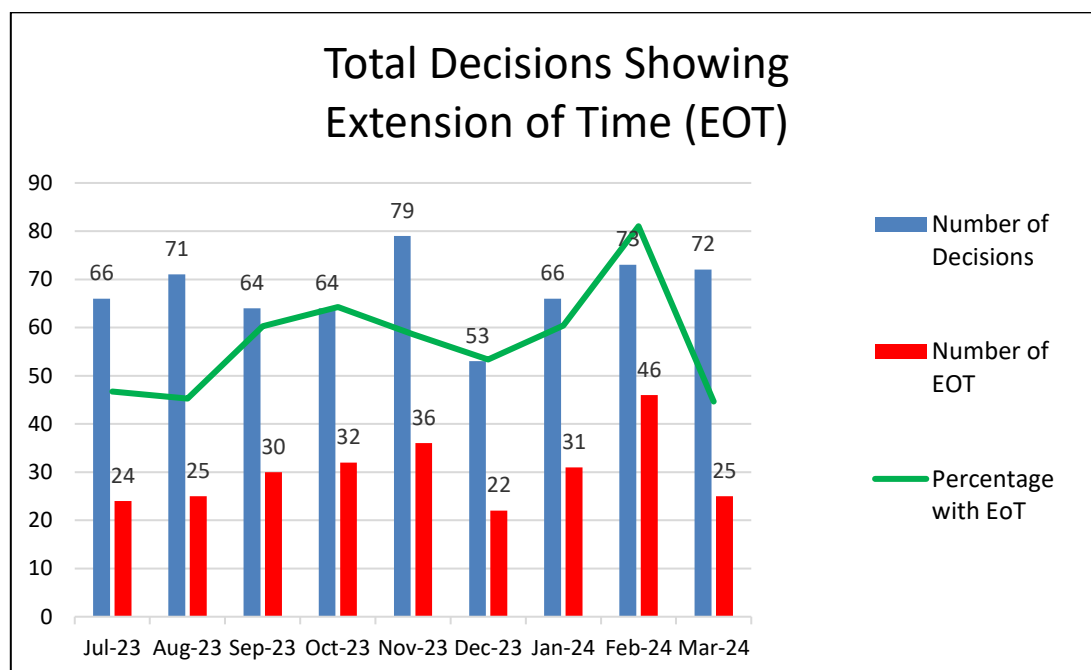
- 3.1 Government (DLUHC) monitor planning authorities on their speed of making decisions in relation to major and non-major applications. The target at national level is to determine 60% of major applications within the statutory period of 13 weeks or subject to the agreement of a time extension over a rolling two-year period.
- 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 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 increased to 92%. Across the 12-month period, the performance also averages at 92%, due to the drop in October to December 2023. Minors is at 93%, having dropped in quarter 2. Others is also at 92%. Overall performance is comparable to the previous 12 months.
- 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 currently go against the authority in terms of speed of decision making when reporting. However, Members will be aware of the consultation by government in relation to the Accelerated Planning Service whereby it is proposed that an extension of time agreement (EoT) cannot be sought for householder development, that an accelerated decision-making process (of 10 weeks) will be brought in

for major commercial developments and only 1 EoT agreement on an application may be agreed. Furthermore, performance of local planning authorities (LPA) will be measured against the existing measures but also with EoTs removed. The consultation suggests that a LPA might be put into special measures if they fail to meet one or both of these categories.

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. Following the consultation, the Business Unit is reviewing ways in which to speed up its decision-making whilst maintaining service provision. This will be challenging particularly if decision-making for major commercial developments is reduced from 13-weeks to 10 and if householder applications can no longer benefit from an EoT.

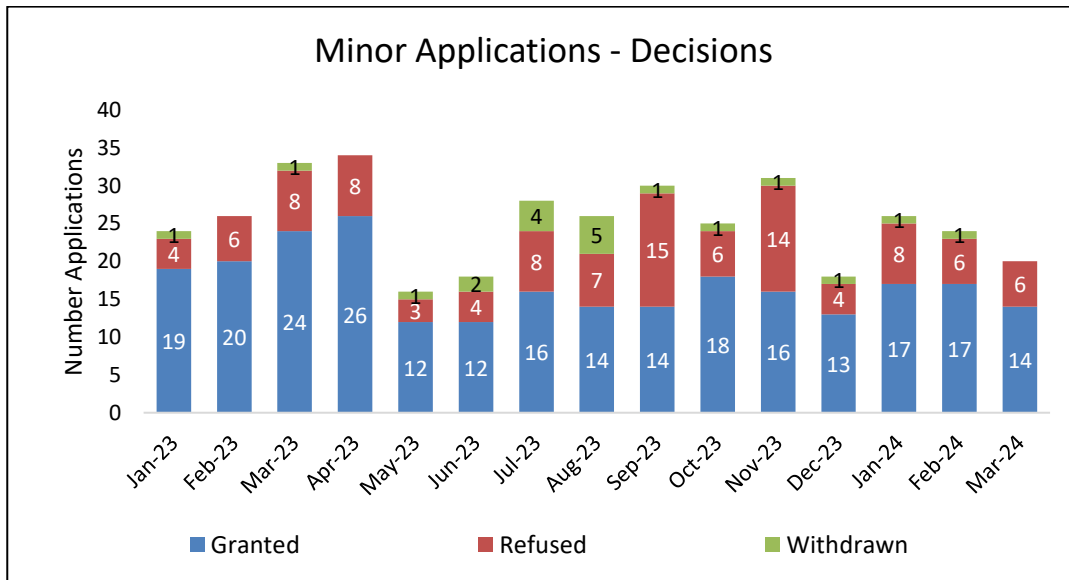
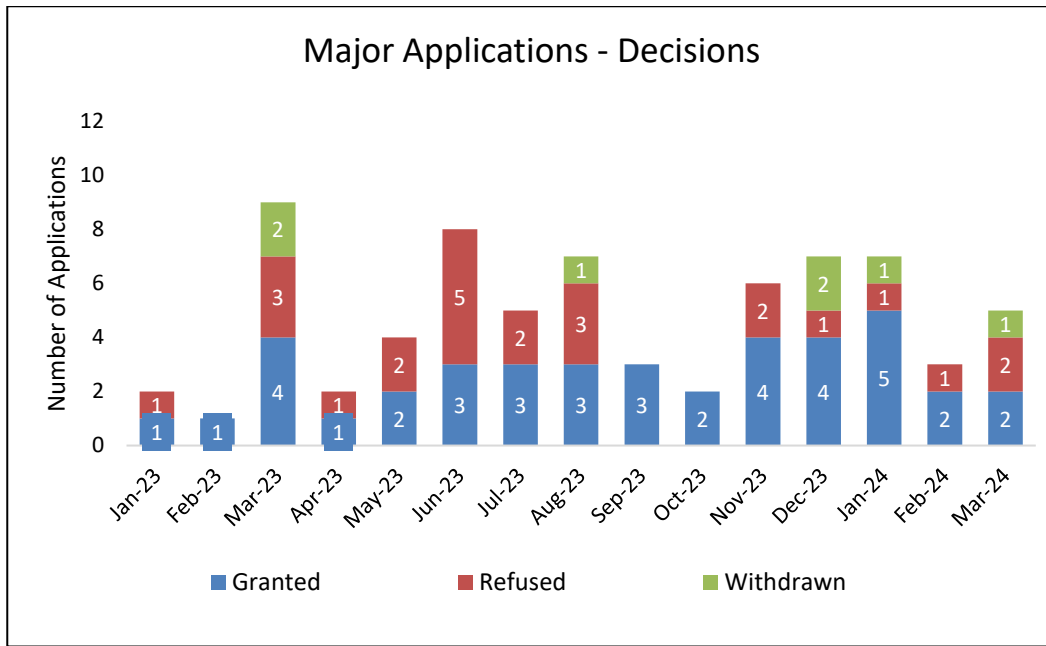


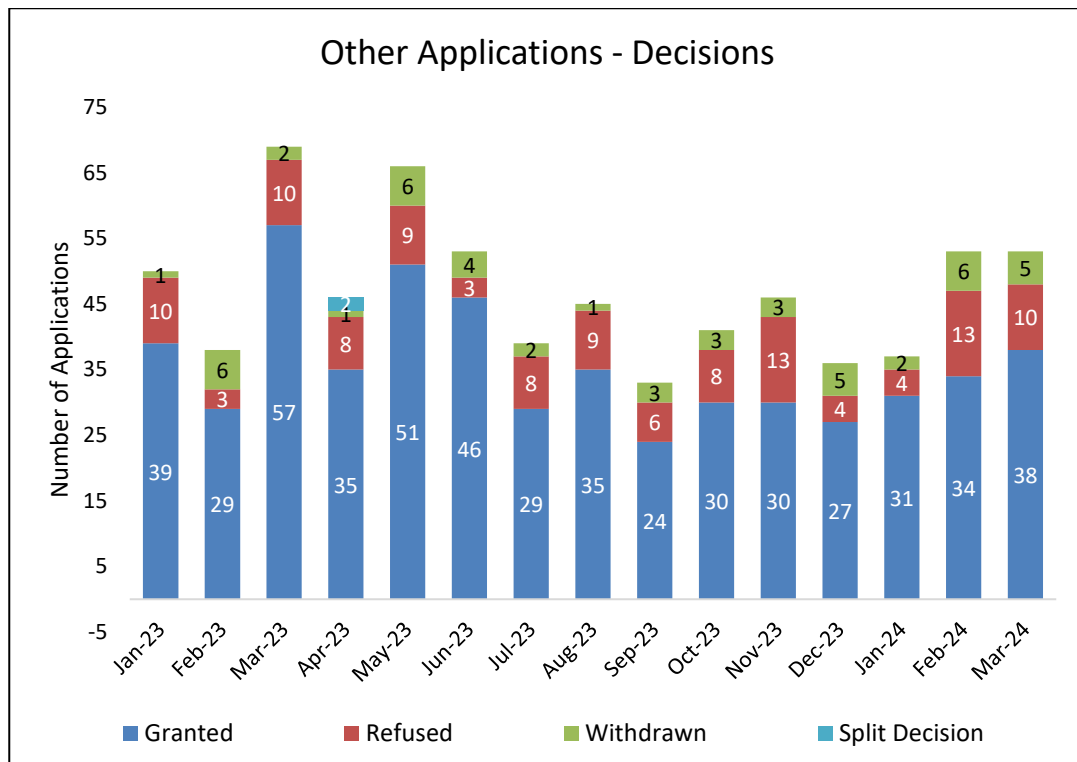
3.7 The tables below shows the information published by the government in relation to our performance across 12months, ending September 2023 with extension of time agreements not taken into account. It is anticipated that there would need to be significant change in how we currently deal with applications in order to not become a standards authority. The percentage of applications subject to an EoT is not proposed to be changed from 60% for major development and 70% for non-major. However, performance measures excluding EoTs is suggested would be 50% for majors and 60% for non-majors and, as detailed earlier, no time extension would be permitted for householders. Currently 64% of applications are determined without EoTs. From the tables below it can be seen that we would 'fail' in relation to our major performance (currently 39%) and also for non-major (excluding householders) at 47%. Significant work is therefore required across all application types in order to improve our performance.

Number of applications received	Extension of time agreements (EoTs)		Major development	
	Number of decisions on applications with an associated EoT	Percentage of decisions on applications with an associated EoT	Number of decisions on applications for major development	Percentage of major decisions made within the statutory time period (13 weeks)
935	359	41	54	39

Non-major development					
Householder development		Non-major development excluding householder development		Non-major development summary	
Number of decisions on applications for householder development	Percentage of decisions made within the statutory time period (8 weeks)	Number of decisions on applications for non-major development (excluding householder development)	Percentage of decisions on applications for non-major development (excluding householder development) made within the statutory time period (8 weeks)	Number of decisions on non-major development	Percentage of decisions on applications for non-major development made within the statutory time period (8 weeks)
411	64	310	47	721	57

3.8 Over the previous financial year, the number of decisions issued quarter on quarter has fluctuated from 233 in April-June, 201 July-September, 196 October to December to 211 in January to March 2024. Comparing the total number issued in 2022/23 compared to 2023/24, the numbers have reduced from 986 to 841 application. 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 58%, 64% and 75% across the major, minor and other categories respectively. For the previous financial year the percentages were 78%, 77% and 85% respectively. There has therefore been quite a reduction in the number that have been approved. There is no identifiable reason for this change. Withdrawals (64 across the year compared to 65 in 2022/23) 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, the majority of which will be as a 'free go', whereby currently, no fee is payable. However, applications submitted on or after 6th December 2023 will no longer be able to benefit from a 'free-go'.





4.0 Tree Applications

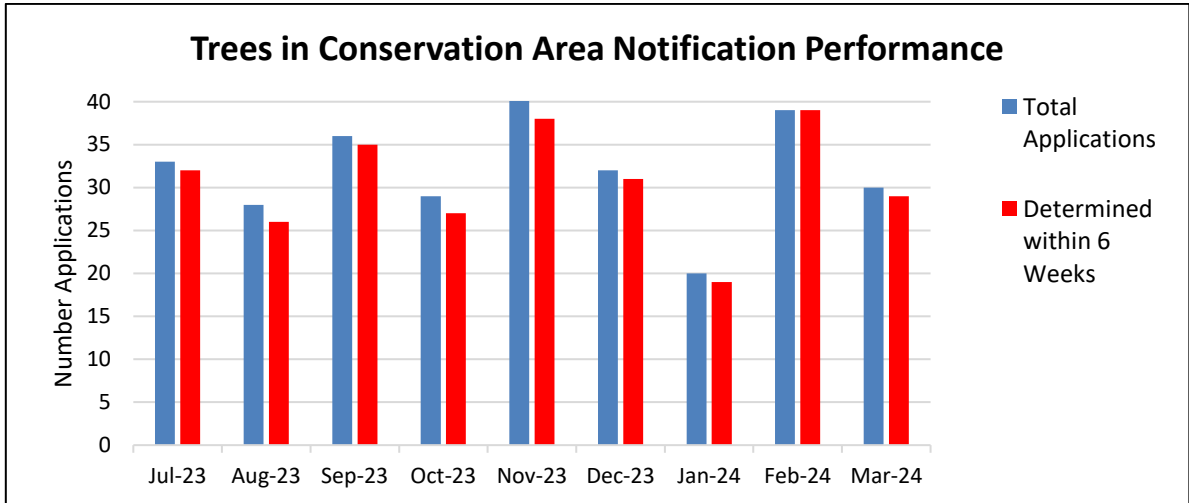
4.1 Trees are a valued amenity contribution to the character of the district. Those that are subject to a Tree Preservation Orders (TPOs) or within a Conservation Areas require consent from the Council before works are commenced. In relation to unprotected trees within a Conservation Area, the consent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

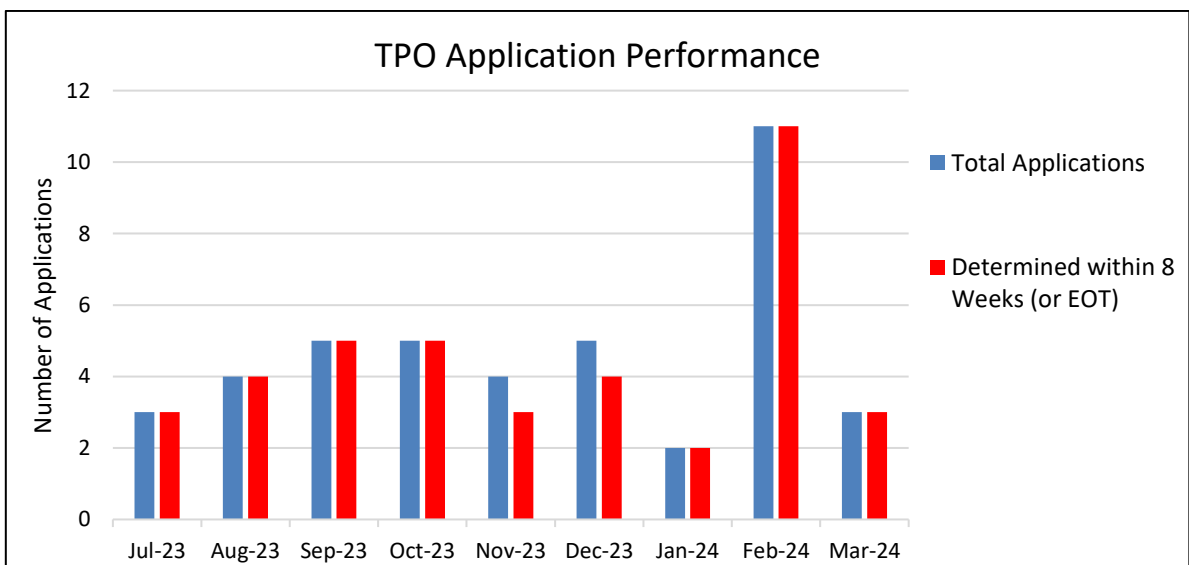
Where it meets these criteria, a TPO will be made. Applications for works to trees in Conservation Areas require the Council to make their determination within 6-weeks and the Order issued within this timescale. If a decision is not made by the first day of the 7th week, the applicant may undertake the works that they were seeking consent for. These applications are not subject to a planning fee, although again the consultation document queries whether applications that are currently not subject to a fee should be.

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.

4.3 Overall, performance continues to increase, with 96% of notifications for works to trees in a conservation decided within the statutory 6 weeks period, an increase of 1% compared to the previous financial year. Delays are often due to time taken around our proactive approach with negotiations with agent/applicants in line with British Standard S3998.2010, as well as clarifying vague proposals (detail regarding works). This British Standard gives general recommendations for tree work as well as guidance on management options for established trees.

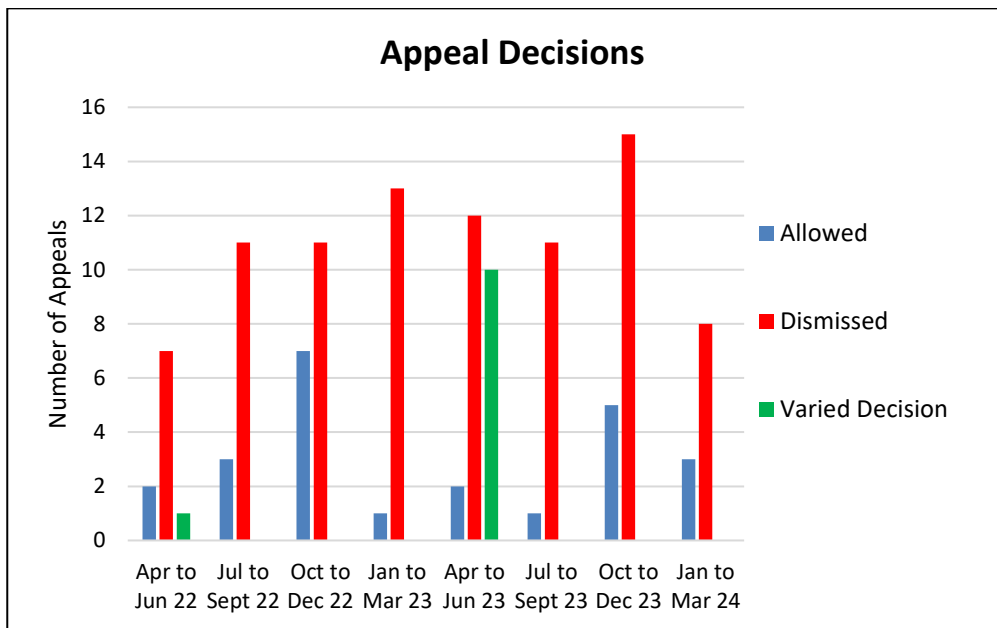


4.4 Turning to works to trees protected by Tree Preservation Order (TPO), through negotiations during assessment, there were no refusals of decisions made during the monitoring period. Performance across the 12-months shows 97% of applications have been dealt with within the 8-week period. This compares to 72% in for 2022/23. Through working with applicants and agreeing appropriate works (rather than refusing), this lessens any possible impact on the team owing to possible submission of appeals due to a decision of refusal. As previously reported, we have been having ongoing engagement with agents who regularly submit applications for tree works and it is through that this improved performance has been achieved, principally, through this engagement.

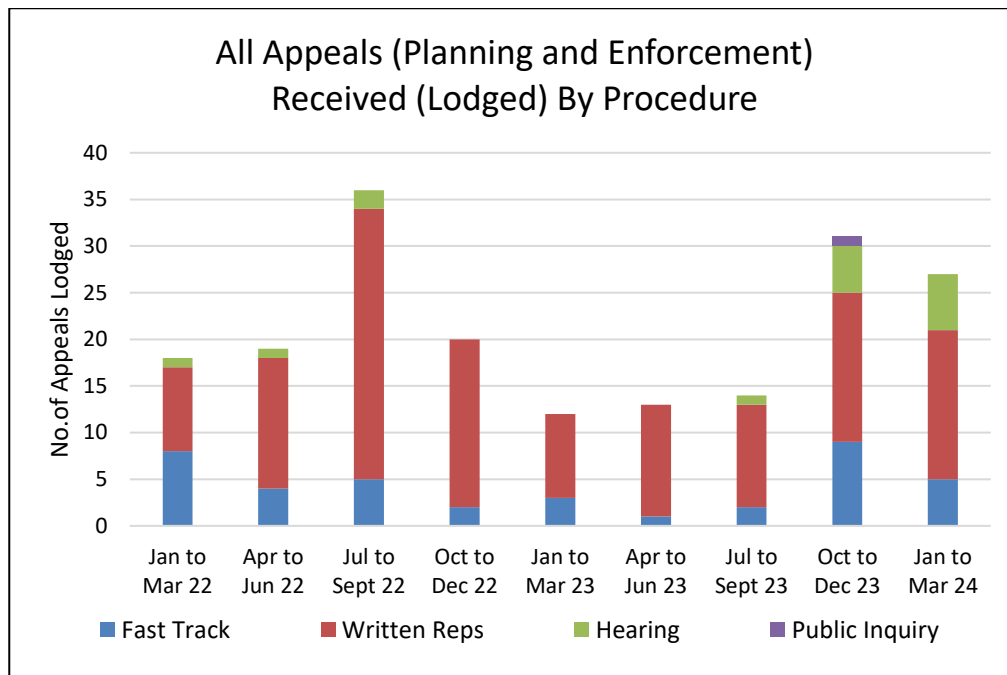


5.0 Appeals

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). This quarter has seen a drop in the number of decisions issued by the Inspectorate compared to the previous quarter, from 20 to 11. Compared to the previous financial year, the Inspectorate has issued 67 decisions compared to 56 for the previous. The number dismissed (approximately 20%) exceeds the number allowed and is line with the Government's previous target of having no more than 33% being allowed (i.e. quality of decision-making). Where a split decision or varied decision in the case of enforcement appeals has been issued, in terms of the Government's monitoring, this is treated as a dismissal. Across the financial year, 16% have been allowed compared to 20% the previous year.



5.2 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. Another challenge relates to the type of appeal - there are 4 types of appeal – inquiry, hearing, written representations, and fast track with the amount of resource in responding accordingly varying from very high to low. A



- 5.3 The vast majority of appeals, as noted within the graph above, are determined via the written representation method followed by fast track appeals. The Council did not have any public inquiries or hearings during the financial year, although a number are timetabled for the forthcoming financial year.
- 5.4 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 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.
- 5.5 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.
- 5.6 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.
- 5.7 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 must comprise unreasonable behaviour that has led to unnecessary costs that otherwise would not have been necessary. A number of claims have been made against the Council across the year, all of which have been successfully defended.

6.0 Updates

- 6.1 Staffing – Since the previous report was presented, there have been further changes to staffing. Leah Sumner – Technical Support Land Charges & Street Naming and Numbering Officer left. Interviews have taken place and a candidate identified. References and employment checks are currently being undertaken. Interviews have also taken place for the vacant Technical Support – Planning post and Charlotte Arden has been appointed. Helen Marriott – Senior Planning Officer will be leaving in June and interviews will shortly take place to fill this vacancy. Interviews will also take place to fill the newly created Assistant Business Manager – Planning Development and Technical Support – Planning Enforcement posts. Information will be provided in a future report regarding both posts.
- 6.2 As noted within the Planning Committee Performance report on this agenda, there has been significant change in relation to new permitted development rights as well as a significant number of consultations. Changes have come into effect to the National Planning Policy Framework, planning fees have been increased as well as the introduction of biodiversity net gain. Additionally, the Levelling-up and Regeneration Act 2023 came into force and a number of sections have come into effect, for example as noted within the update report on this agenda.
- 6.3 Alongside these activities, during the autumn/winter of 2023/24, a review was undertaken in relation to public speaking and from this meeting (May), the Planning Committee will allow the public to speak to items, subject to meeting the criteria within the [Protocol for Planning Committee](#). Changes to the Scheme of Delegation to Officers was also approved.
- 6.4 The forthcoming 12-months are expected to continue to be challenging with a number of the proposals recently consulted upon expected to come into effect in due course, the general election will likely bring change as well as the implementation and/or improvements to planning (and associated) software as part of the planning software project. Updates will be provided to Members, as appropriate, in relation to any changes that will have impact upon either District Councillors or Town/Parish Councils.

7.0 Implications

- 7.1 In writing this report and in putting forward a recommendation, Officers have considered the following implications: Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have referred to these implications and added suitable expert comment where appropriate.

8.0 Conclusion

- 8.1 Performance has continued to be met and exceeded, although improvements will be needed in relation to the number of extension of time agreements that are entered into i.e. the number will need to be significantly reduced. Overall, the department has been able to provide an excellent service, whilst continually looking to make improvements whether large or small. The following 12-months will have many challenges, but the department is set to deal with these.