



Report to Planning Committee 1 August 2024

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Report Summary	
Report Title	Development Management Performance Report
Purpose of Report	<p>This report relates to the performance of the Planning Development Business Unit over the three-month period April to June 2024. In order for the latest quarter’s performance to be understood in context, in some areas data going back to April 2022 is provided.</p> <p>The performance of the Planning Enforcement team is provided as a separate report.</p>
Recommendations	<p>For noting.</p> <p>The services it assists in the delivery of Community Plan Objectives:</p> <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

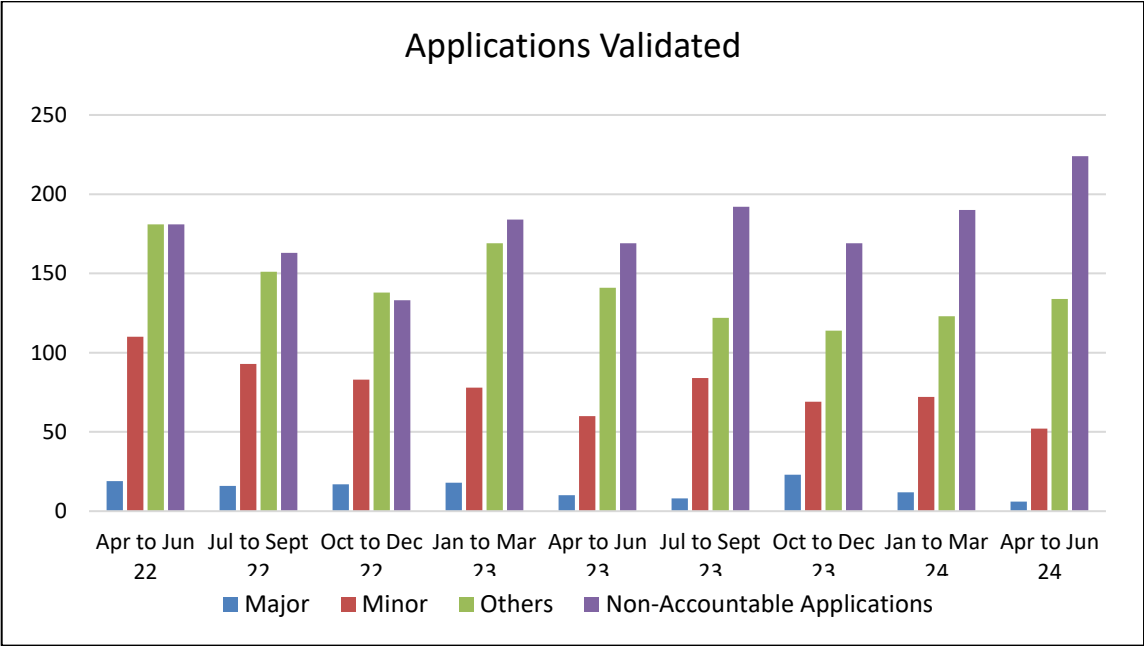
1.0 Background

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 April 2022 up until June 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). This graph shows that in the first quarter of 2024/25, a total of 596 valid applications were received. This is marginally less than the

610 valid applications received in the final quarter of 2023/24, but higher than the same quarter of 2023/24 (555 valid applications). Major applications have significantly dropped, with only 6 for the reporting period. This compares with 12 for the previous quarter and 23 in the third quarter of 23/24. Householder applications are up marginally from last quarter, but less than the equivalent quarter in last financial year (98 householders in first quarter of this year compared to 88 in last quarter; and 114 in first quarter of 2023/24). Overall, the sum of all application types is marginally lower than last quarter, but higher than the preceding two quarters. Major applications are at their lowest number since January 2022.



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. The ‘non countable’ category are those applications which are not reported to the Ministry of Housing, Communities and Local Government (MHCLG). Such applications include, but are not limited to prior approvals, discharge of conditions, etc.

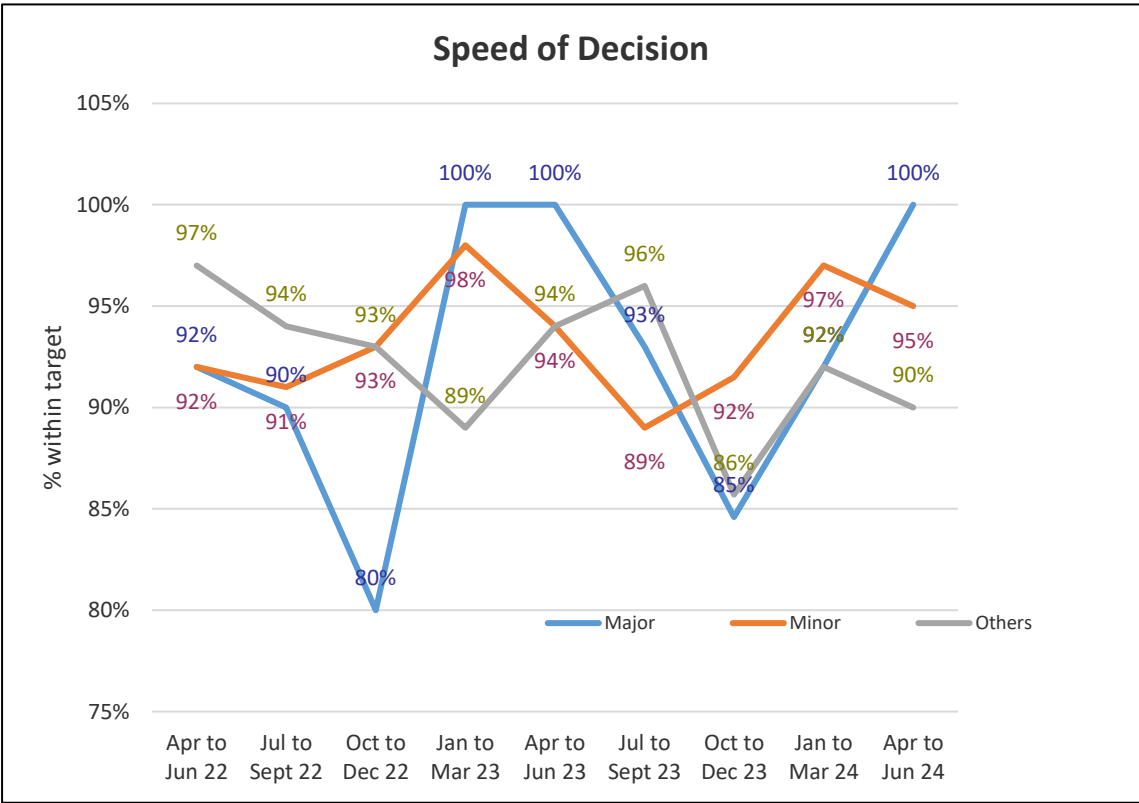
2.3 Non-countable and others generally comprise the highest numbers quarter on quarter, with householders shortly behind.

3.0 Performance

3.1 Government 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 2024, 100% of major applications have been determined within these timescales, which has

risen from 92% when compared to the previous quarter. This means that no decisions have been made outside of agreed dates.

- 3.2 For non-majors, the target set nationally is 70% over a two-year period. 92% of non-major applications during Q1 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.

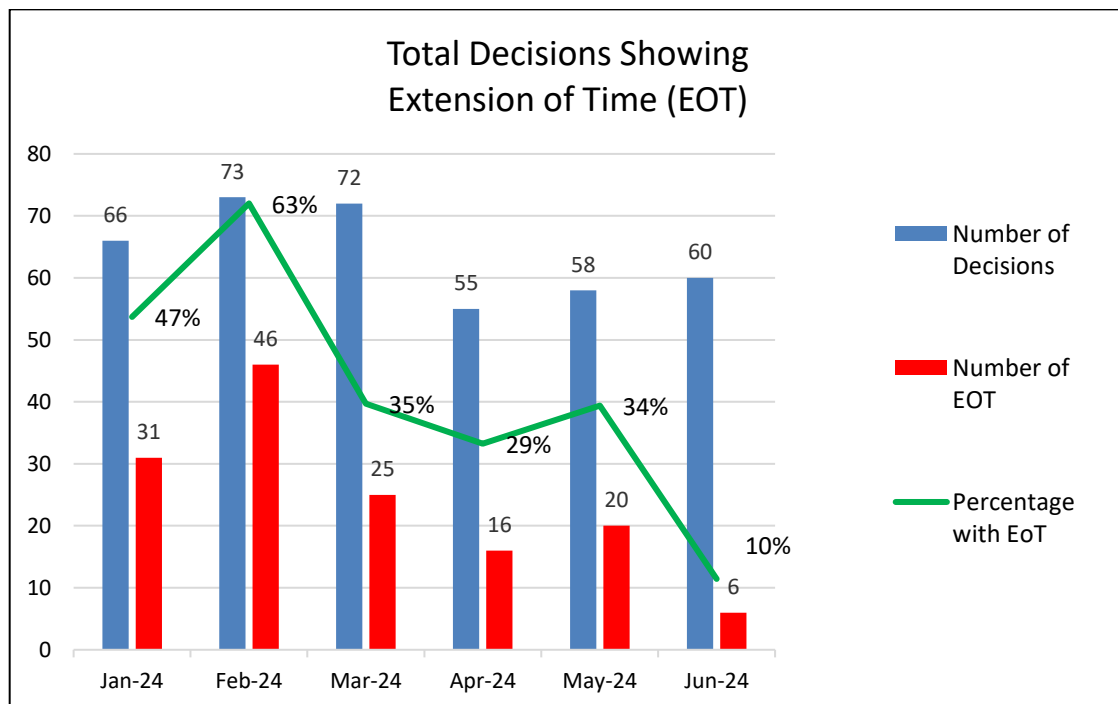


- 3.6 These targets continue to be achieved due in part to seeking time extensions for dealing with the applications beyond their original statutory time-period from applicants. Time extensions might be sought by either party (the applicant or the Council) for a variety of reasons but might include seeking 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 previous Government was looking to change the ‘rules’ in relation to when extension of time agreements can be sought as well as their frequency. This was also part of the [Accelerated Planning System](#) consultation by the previous Government. It is not known whether the new Government will revisit this issue.

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.

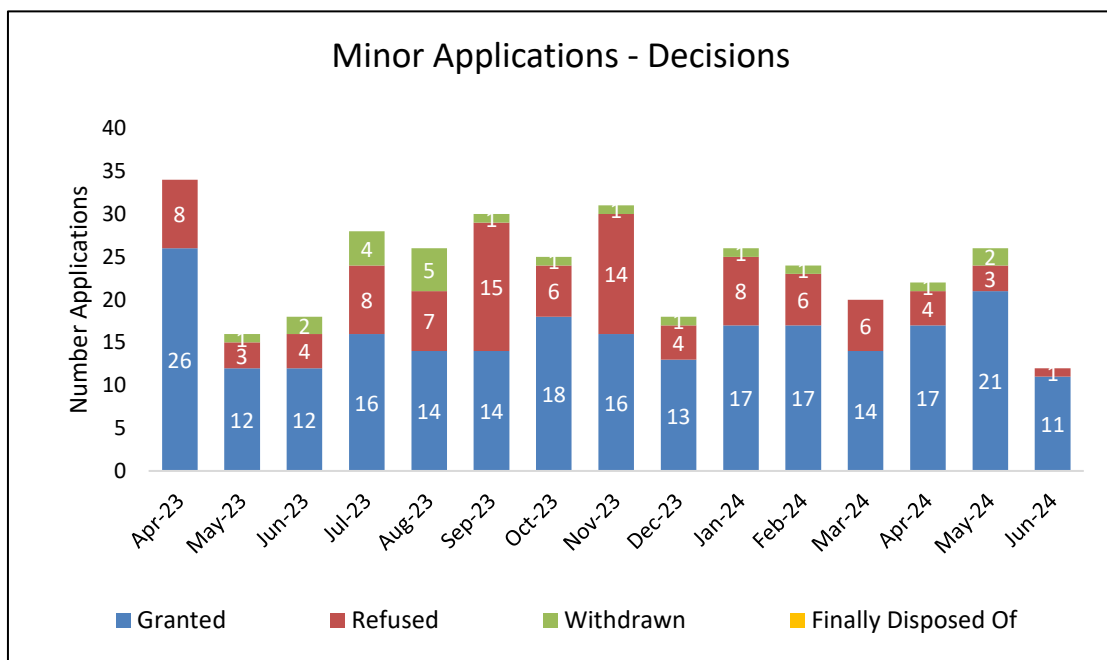
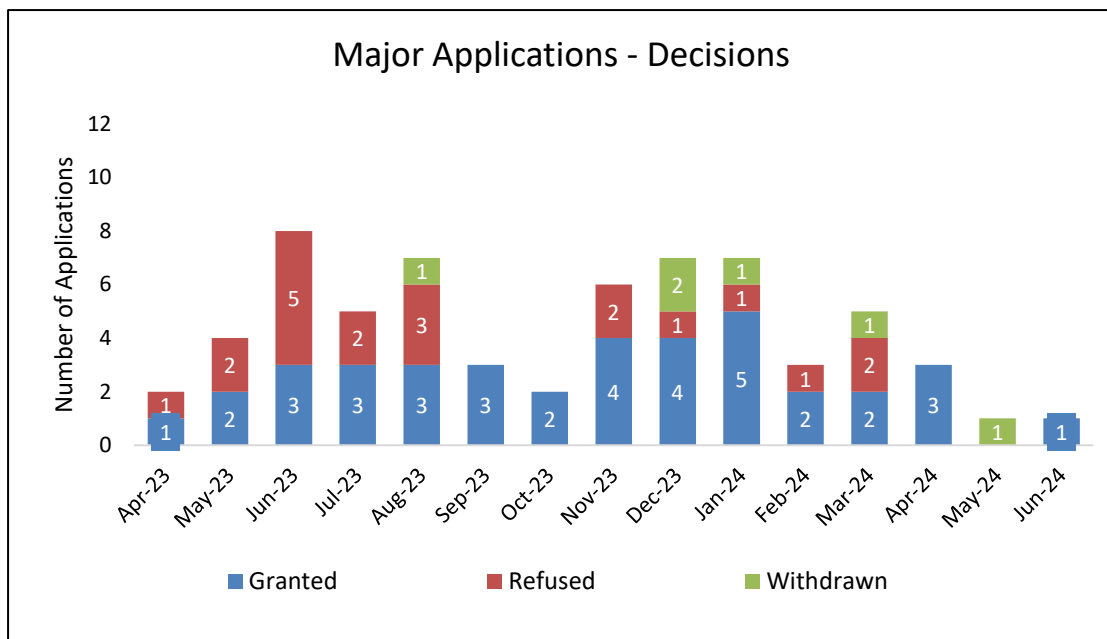
3.8 The graph below shows the total number of applications determined each month in blue and alongside those in red are the number of applications where time extensions have been sought of those determined. The percentage of applications with extension of times is provided in green. Seeking time extensions 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 varies quarter to quarter. As is always the case, Officers continually strive to deal with applications in a timely manner whilst working proactively with applicants.

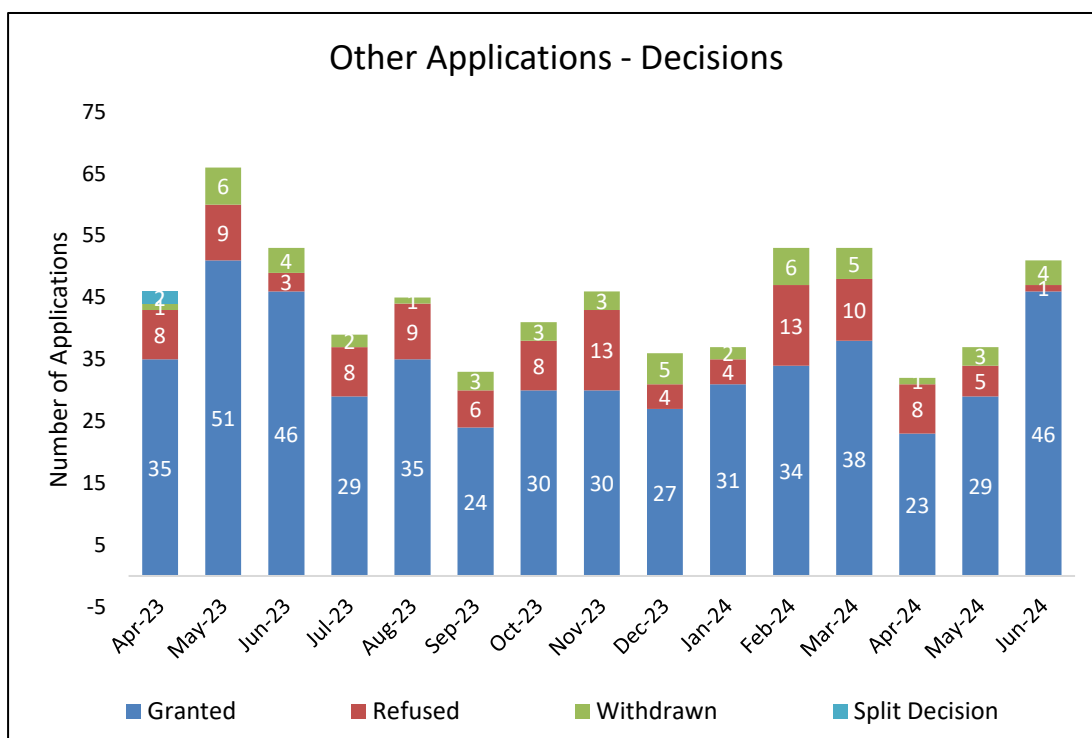


3.9 As explained above, the number of decisions each quarter fluctuates, and this can certainly be seen in the graph above for January to March, but with a trend towards a lower percentage of extensions of time in Q1 of 2024/25.

3.10 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) during Q1, 67% of majors were approved, 82% of minors were approved and others, 82% were approved. Withdrawals (8 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. 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, 211 in January to March 2024 and 173 in Q1 of this financial year. Comparing the total number issued in 2022/23 compared to 2023/24, the numbers have reduced from 986 to 841 application.





3.11 The tables below show the information published by the Government in relation to our performance across 24 months to March 2024 with extension of time agreements taken into account.

Major Development – 24 months to end of March 2024					
No of decisions	Within weeks	13	% approved within 13 weeks	Determined within an agreed extension of time	% approved within 13 weeks or within an agreed extension of time
113	55		48.7	48	91.2

Non-major Development – 24 months to end of March 2024					
No of decisions	Within weeks	8	% approved within 8 weeks	Determined within an agreed extension of time	% approved within 8 weeks or within an agreed extension of time
1494	887		59.4	501	92.9

3.12 The previous Government consulted upon an Accelerated Planning Service (APS) which included reducing the time for local planning authorities to determine major commercial applications to 10-weeks, removing the ability to have extension of time agreements for householder applications and only permitting one extension of time agreement for all other types of applications. Should the new Government decide to

pursue an APS, 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.

3.13 As a reminder, performance is currently measured by applications being within the statutory timeframe, including agreed extensions of time e.g. 60% for major development and 70% for non-major. However, if performance measures excluding EoTs were to be suggested at a lower figure, e.g. 50% for majors and 60% for non-majors as advanced within the APS consultation and, as detailed earlier, no time extension permitted for householders, then currently we would fail on both major application performance (currently 48.7%) and non-major (59.4%). Significant work is therefore required across all application types in order to improve our performance. To ensure that we deliver an effective and efficient planning process whilst still providing a good service, we are reviewing our processes and procedures. To achieve a faster decision-making process, it could mean that we will no longer be able to engage in seeking (significant) amendments or go through protracted engagement following the submission and validation of the planning application. It will therefore be necessary to ensure that both the correct information is submitted with the application but also that the proposed development is likely to be supported. Alternatively, more applications are likely to be refused. We think that pre-application advice will be critical to increasing the likelihood of planning proposals being acceptable and enabling decisions to be made within statutory timescales.

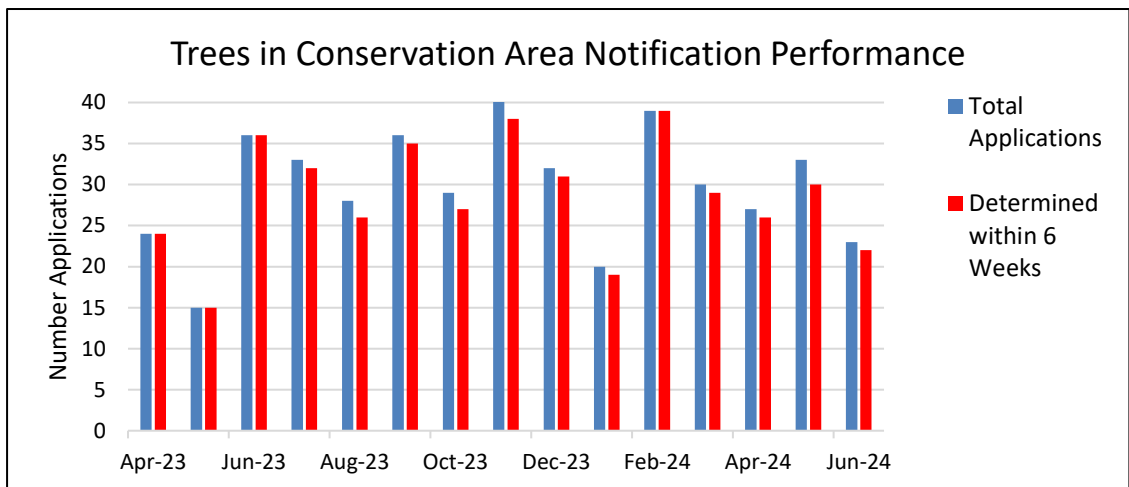
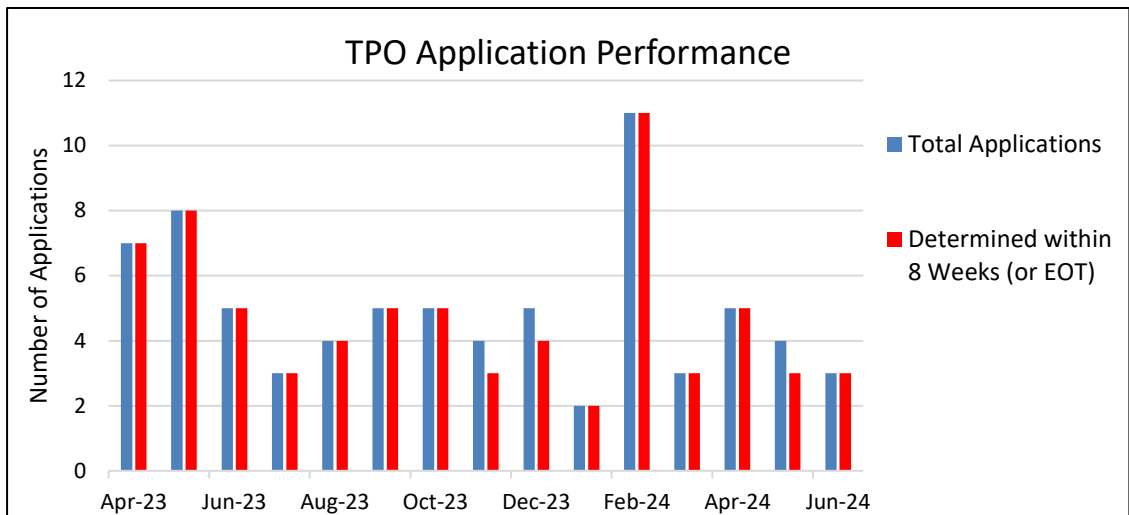
4.0 Tree Applications

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 notification process (known as a section 211 Notice) 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:

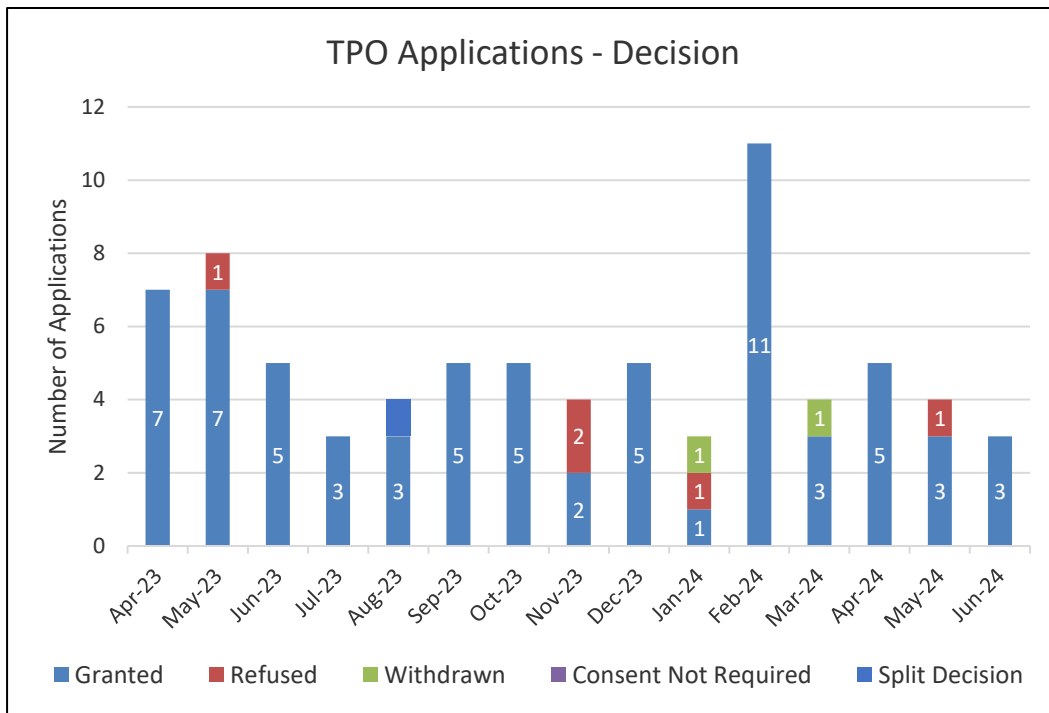
- Its condition and suitability
- Its remaining longevity (in years) and suitability
- Its relative public visibility and suitability
- Other factors, such as whether it has historical value, its rarity, whether it is part of a group etc.

4.2 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 and no conditions can be imposed.

4.3 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.



4.4 The number of applications received each month have limited 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.



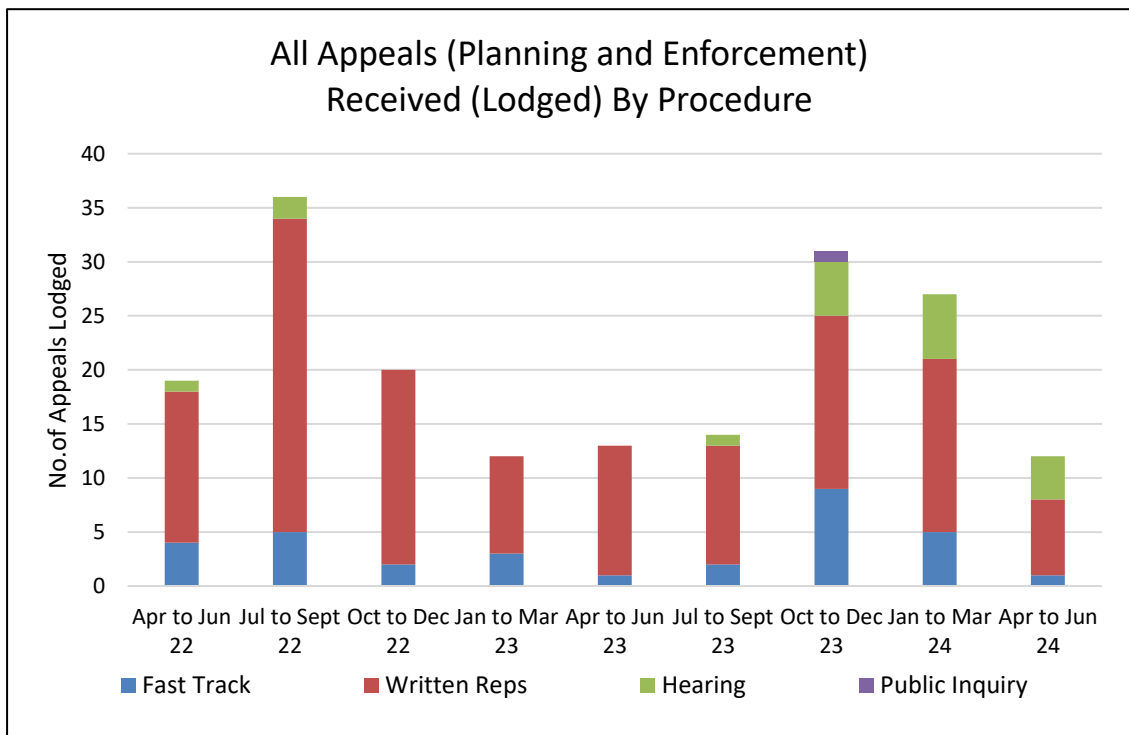
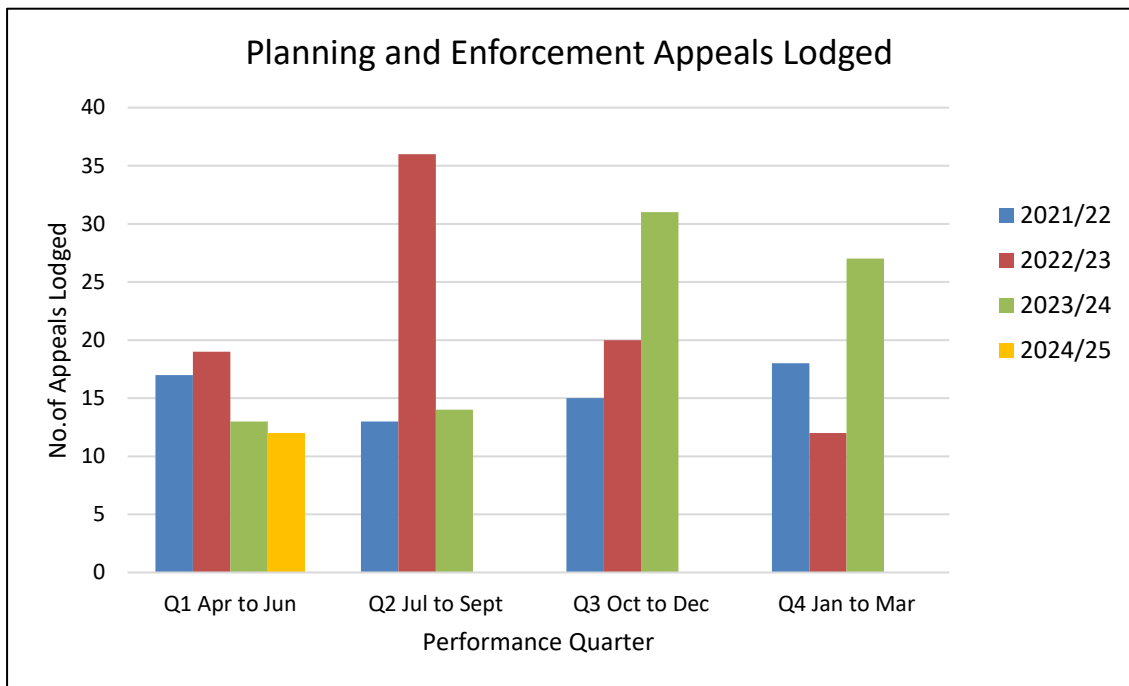
Number of TPO application decisions since April 2023.

4.5 Overall, performance is steady, with 94% of notifications for works to trees in a conservation area decided within the statutory 6 weeks period, a decrease of 2% compared to the previous financial year. During Q1, 92% of TPO applications were dealt during statutory timeframes. 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. Unlike planning applications, legislation does not allow for an extension of time. 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 statutory 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

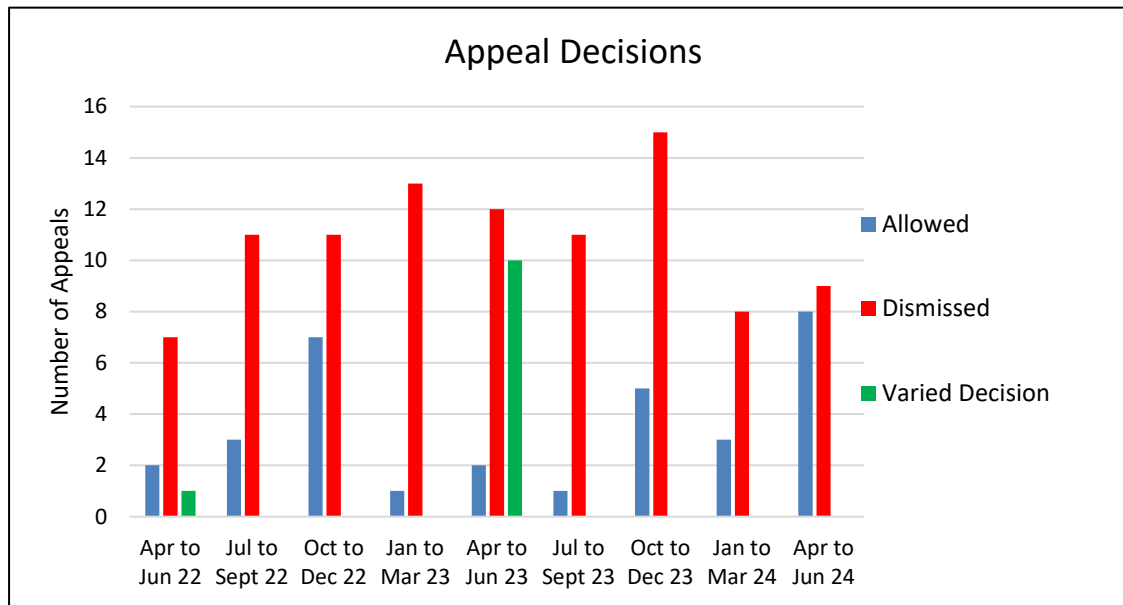
5.1 The charts below show the number of appeals against planning applications and enforcement notices that have been submitted over the last 3-4 years, quarter on quarter. It can be seen that the total number of appeals fluctuates, particularly with reference to Q2 2022/23 which makes resourcing them 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 a significant jump in the number of decisions allowed as a percentage of all decisions. Of the 17 appeal decisions, 8 were allowed (47%). This is concerning. This may well be an unusual reporting period in the context of the preceding 2 years, but is worth reflecting on. The messaging from the previous

Government in terms of efficiency, officer overturns and the cost-of-living crisis may well be factors. The team is reviewing cases and will update Members in due course.



5.3 As of 1 April 2018, the Government 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. For awareness, when a split decision has been issued, in terms of the Government’s monitoring, this is treated as a dismissal.

6.0 Updates

6.1 There has been significant change in the Planning Development Team during the last few months. Oliver Scott is the new Assistant Business Manager. Two new Senior Planning Officers have been appointed: Ellie Sillah and Lynsey Preston have both been promoted. Julia Lockwood has moved across to take up the vacant Senior Planner (Conservation) post, which she has previously held.

6.2 We are pleased to report that Raheel Pasha has been promoted from apprentice to Trainee Planner, alongside a new Planning Officer Dayo Adegaju (due to start 29 July). We also welcome Charlotte Arden, Emma Holt and Laura Hardingham to our Technical Support Team. Richard Andrew has joined the Enforcement Team in a technical support capacity.

6.3 As of 8 July, the new Government has removed the de facto ban on onshore wind in England, which has been in place since 2015. Previously, planning policy included two tests, set out in footnotes 57 and 58 to paragraph 163 of the NPPF, that apply only to onshore wind. Together they say that development can only be considered acceptable: *a) In areas either allocated in a development plan or through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders; b) With the narrow exception of proposals brought forward by Neighbourhood Development Orders*

and Community Right to Build Orders, where the proposal has proved community support. The new Government feels that in practice this has often been interpreted to mean that any opposition means the proposal cannot be considered acceptable and that it sets a higher bar than is set for other forms of development. These policy tests no longer apply. The removal of these tests from planning policy means that onshore wind applications will be treated in the same way as other energy development proposals.

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. 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