

PLANNING COMMITTEE
8 SEPTEMBER 2020

DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

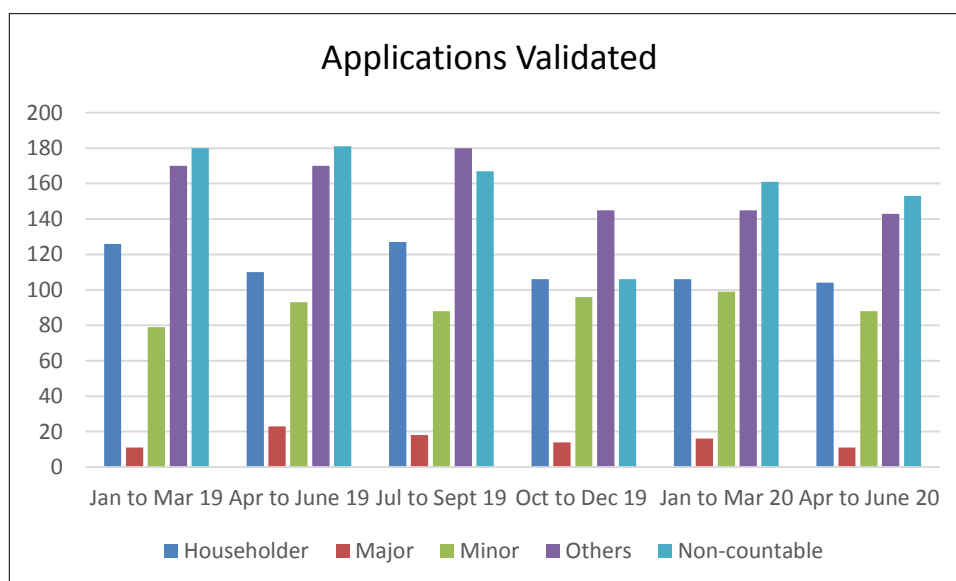
1.0 Purpose of Report

1.1 This report relates to the performance of the Planning Development Business Unit over the three month period April to June 2020. However, in order for the latest quarter's performance to be understood in context, in some areas data going back to January 2019 is provided. Members are made aware of the performance of the Planning Enforcement team but has not been provided details on the performance of the rest of the department in terms of numbers and types of applications received, nor performance in relation to planning appeals.

1.2 It is hoped the following information is useful and provides insight into the activities undertaken by the section.

2.0 Application Numbers

2.1 The graph below show the number of applications that have been received as valid each quarter from January 2019 up until June 2020. 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 2020/21, a total of 721 applications were received. This, compared to the same quarter in 2019/20 shows a comparable number of householder and minor applications with a slight drop in relation to major, other and non-countable. Taking account of the impact of the Covid-19 pandemic on the economy, it would appear from this first quarter that there hasn't been a significant change for planning, however monitoring over the coming months will determine whether this is the case.



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 for Housing, Communities and Local Government (MHCLG). Such applications include, but are not limited to: prior approvals, discharge of conditions, etc.

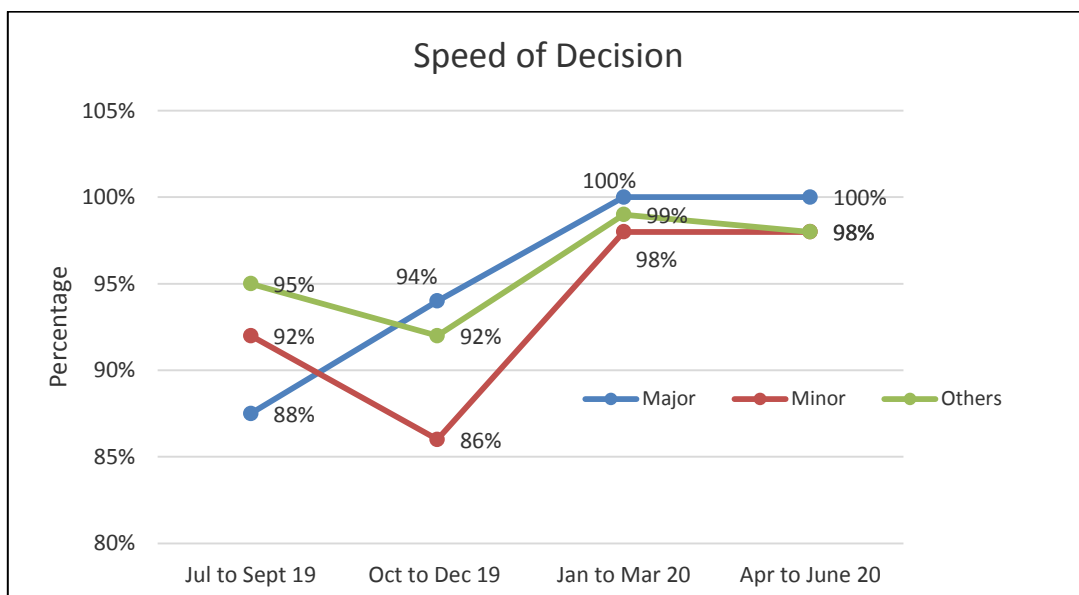
From the graph above, it can be seen that non-countable and others comprise the highest numbers, with householders shortly behind. This is not surprising based on the larger scale of development major and minor predominantly comprise (and thus fewer are submitted).

3.0 Performance

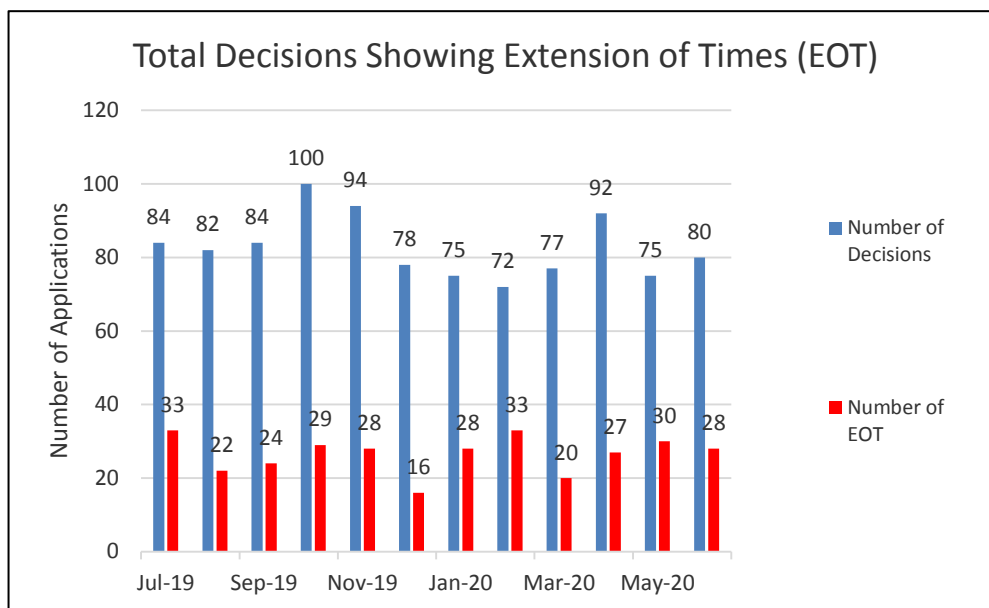
3.1 Government (MHCLG) monitor planning authorities on their speed of making decisions in relation to major and non-major applications. The target at national level is to determine 60% of major applications within the statutory period of 13 weeks or subject to the agreement of a time extension over a rolling two-year period. For non-majors, it is 70% over a two-year period. In addition, the Council has a local performance indicator for majors, minors and others of 90% per quarter. This local target is very challenging when taking account, in accordance with the National Planning Policy Framework, to work positively and proactively with applicants in determining applications i.e. trying to find solutions as opposed to refusing a planning application that might be amended.

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 of the associated administration.

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

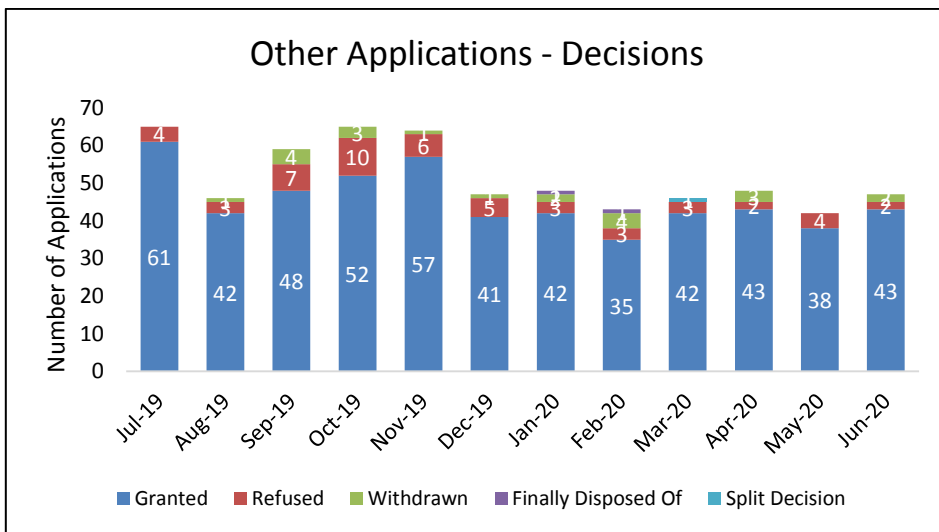
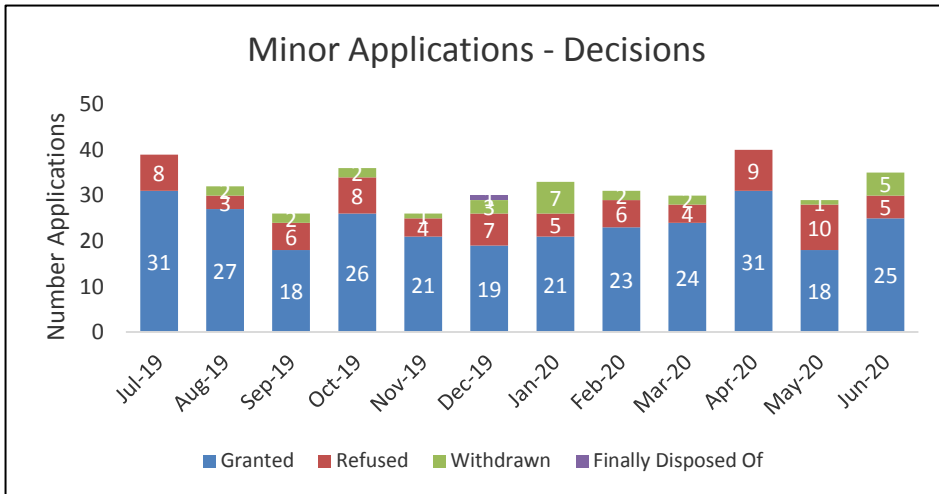
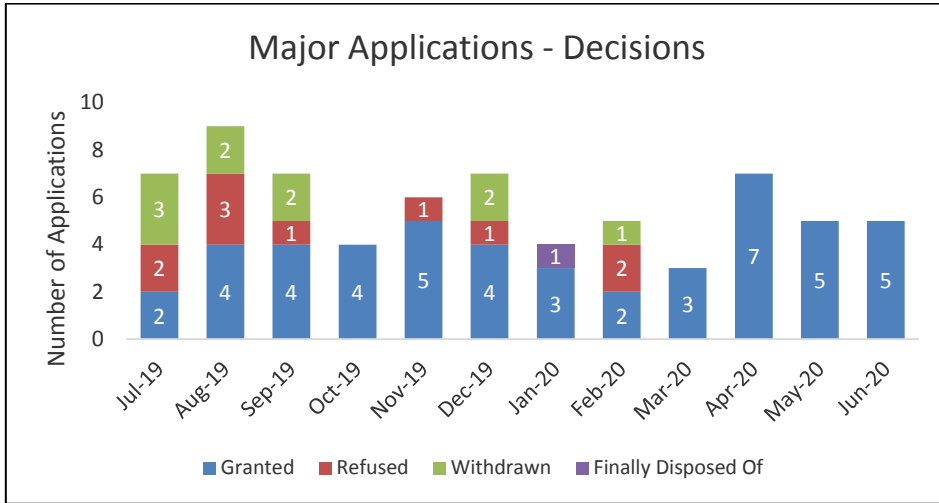


- 3.2 Over the previous two quarters, performance for majors has risen to 100% from 94% and 88% the previous quarters. For this and the previous quarters, minors has remained at 98% (rising from 86% and 92%) and for others has been at 99% and 98% (rising from 95% and 92%). As Members will be aware the previous quarter (April to June) has resulted in Officers working solely from home, as well as for part of March due to Covid-19. The above graph demonstrates how the team has been able to maintain and exceed previous performance.
- 3.3 These targets continue to be achieved due in part to seeking time extensions for dealing with the applications beyond their statutory time period from applicants. Time extensions might be sought for a variety of reasons but might include seeking negotiations, complex and/or controversial proposals and items presented to Committee. Time extensions do not go against the authority in terms of speed of decision making when reporting.
- 3.4 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. Over the longer term, approximately 32% of all applications determined are subject to a time extension.



- 3.4 Of the decisions reported above, 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. This therefore means, for example if a householder seeks a single storey rear extension and an outbuilding and the outbuilding is unacceptable, if the applicant is unwilling to remove the outbuilding, the Council is only able to refuse the application. All three graphs demonstrate that the majority of applications are granted. Withdrawals 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. Finally disposed of applications are those which

have gone beyond the time period for determination and the time period for making an appeal has expired and the applicant has not engaged in further discussions regarding the proposal, notwithstanding the departments attempts to engage.



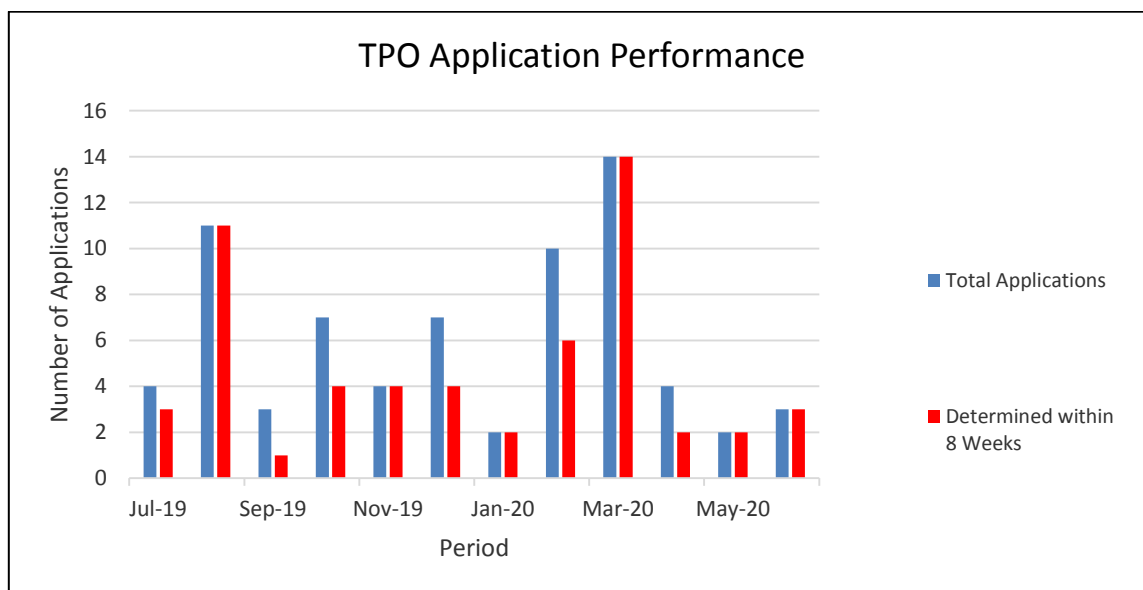
4.0 Tree Applications

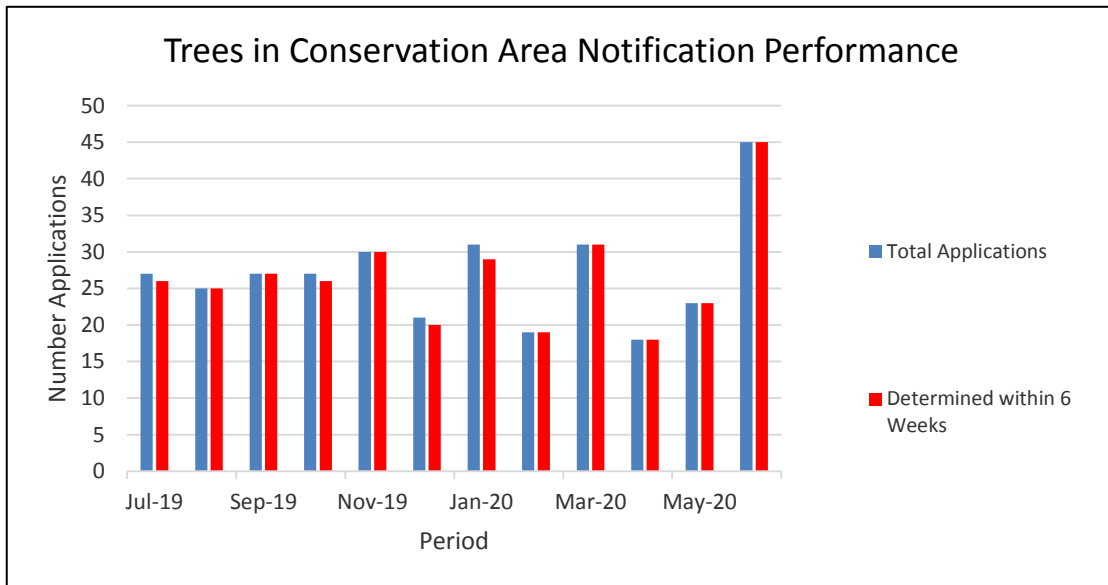
4.1 Trees are a valued amenity contribution to the character of the District. Those that are subject to a Tree Preservation Orders (TPOs) or within a Conservation Areas require consent from the Council before works are commenced. In relation to unprotected trees within a Conservation Area, the consent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

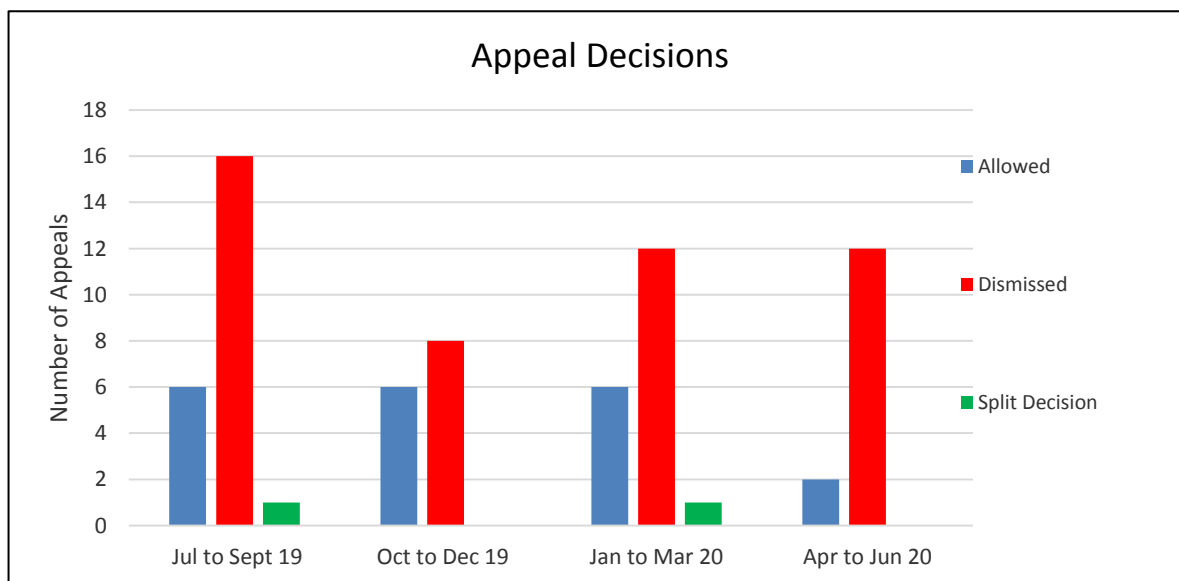
4.2 The following graphs show the number of TPO and Trees within a Conservation Area applications determined each month and whether they were determined within the statutory timescales. This shows little consistency with the number of applications received each month making resourcing more difficult. It should be noted however that where the Officer identifies a potential risk to a tree of value, this is determined within the statutory period in order that further protection for the tree can be put in place.





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). It can be seen that the total number of appeals fluctuates quite considerably, and like Tree applications makes resourcing them a little challenging, with a need to balance appeal work against the number of applications a case officer is dealing with, where possible. This previous quarter has seen a reduction in the number of decisions compared to the previous quarter, from 19 to 14. It is anticipated this is largely due to Covid-19 and the Planning Inspectorate assessing how its appeal inspectors could work safely. However, with the exception of October to December 2019 quarter, it can be seen the Council has a significantly greater number of cases dismissed than allowed. Where a split decision has been issued, in terms of the Government's monitoring, this is treated as a dismissal.



5.2 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 by developers directly to the Planning Inspectorate.

- 5.3 As of 1 April 2018 the Ministry of Housing, Communities and Local Government (MHCLG) 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 a separate assessment for all non-major (i.e. minor and others) decisions refused by the Council and subsequently overturned (allowed) at appeal over a rolling two-year period.

Data is available for appeals determined between 1st April 2018 and 31st March 2020. For major applications, 113 major decisions have been determined with 6 being appealed, all of which have been dismissed. The percentage is therefore 0%. For non-majors, there have been 93 appeals determined, of which 26 were allowed. Over the same time period 1961 applications have been determined. The percentage is therefore 1.3%. The Council is significantly within the Government's target and not at risk of being classed as poorly performing.

- 5.4 As well as the cost of administration of appeals, the Council must have regard to the potential to have costs awarded against it, should it be found that the decision, or the Council's behaviour was unreasonable, such cases are reported to the Planning Committee (refer Springfield Bungalow on this month's agenda).

6.0 Updates

- 6.1 This is the first of these reports to Planning Committee and it is hoped the information within it is useful. Members have previously been updated regarding workloads and actions undertaken by the Enforcement team and this report aims to fill in some of the gaps of the planning team's activities. The above data demonstrates the planning department is positively dealing with its customers and aiming to determine applications in a timely manner or subject to time extensions to enable negotiations to take place, leading to grants of permission where appropriate. Over the previous quarter, there has been two vacancies within the team which have successfully been recruited to as well as change in personnel across teams. Gareth Elliott has joined the Enforcement team, following the promotion of Richard Marshall to Senior Enforcement Officer. A new starter joined the team on the 17th August and the other appointment will be joining the Council at the beginning of November. Both recruits appear excellent and will be very much welcomed as the number of cases each officer has is challenging, especially with remote working.

- 6.2 It would be useful to understand from Members whether the information provided is helpful and/or whether different information would be of benefit. In due course, it is intended to provide a summary of conservation work.

7.0 Equalities Implications

- 7.1 None from this report

8.0 Financial Implications

- 8.1 None from this report.

9.0 Conclusion

9.1 Performance has continued to be met and exceeded, notwithstanding the need to work remotely due to Covid-19. The recent recruitment will enable further positive changes to be made to the service for the benefit of the District's communities and businesses.

10.0 Community Plan – Alignment to Objectives

6.1 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

7.0 RECOMMENDATION

That the Committee note the contents of the report.

Reason for Recommendation

To keep Members informed of the actions and progress of the Planning Department.

Background Papers

Nil

For further information please contact Lisa Hughes (Business Manager – Planning Development).

Matt Lamb
Director – Planning & Regeneration