

PLANNING COMMITTEE

29 JANUARY 2014

PERFORMANCE REPORT: 1 OCTOBER TO 31 DECEMBER 2013

Report from: Robin Cooper, Regeneration, Community and Culture

Author: Dave Harris, Development Manager

Summary

This report is presented quarterly to committee informing members on current Development Management performance.

1. Budget and Policy Framework

1.1 There are no budget and policy framework decisions arising directly from this report. This is an information item for the Planning Committee.

2. Background

2.1 Performance relating to the processing of planning applications is collected as National Indicator 157. The NI157 targets are:

Large Major Developments: These applications may form part of a Planning Performance Agreement (PPA's) and the timetable agreed with developers. PPA's will be excluded from the NI157 calculations reported to Government.

All other major developments: to determine 60% of applications within 13 weeks.

Minor Developments: to determine 65% of applications within 8 weeks.

Other Developments: to determine 80% of applications within 8 weeks.

2.2 Percentage of refusals allowed on appeal is excluded from the National Indicator set. However, this performance measurement is considered to be useful in determining good decision-making and Development Management will continue to report this performance

indicator to Committee. Development Management has set a target of no more than 30% of refusals allowed on appeal.

- 2.3 The DCLG document “improving planning performance” enacts Section 62A of the Town and Country Planning Act 1990, and brings in the requirement to meet targets which if not met could lead to a Local Planning Authority being designated as non performing. Essentially this relates to considerations of major applications only and is looking at speed and quality of decision. In terms of speed there is a requirement (based over a rolling year) for an authority to determine in excess of 30% of major applications within the statutory timescale. This does not include applications supported by either a Planning Performance Agreement (PPA) or a Planning Extension Agreement (PEA). In terms of quality of decision, this relates to appeals and no more than 20% of major applications received should be allowed on appeal.

3. Performance

- 3.1 See attached charts in Appendices A to G for performance concerning the processing of planning applications, benchmarking, appeals, enforcement activity, Tree Preservation applications and a breakdown of complaints received.
- 3.2 During the period 1 October to 31 December 2013 the authority received 379 planning applications; this is compared to 376 for the same period 2012. For the year 2012/13 the authority received 1547 applications, this compares to 1590 in 2011/12.

Performance for major applications during the quarter is 88.23% and this greatly exceeds the national target of 60%. This compares to 60.86% during the previous quarter.

For minor planning applications the national target is to determine 65% of applications within 8 weeks. Development Management achieved 75.60% for the quarter. This compares to 79.78% during the previous quarter. For the year 2012/13 79% of minor applications were determined within target.

For other planning applications the national target is 80% and Development Management achieved 89.78% for the quarter. This compares to 88.19% during the previous quarter. For the year 2012/13 89% of other applications were determined within target.

Comparing performance against the latest data available nationally (July to September 2013), Medway are performing significantly above average for minor and other applications and slightly above average for majors (see Appendix B).

Appendix A, figure 2, 3 and 4 shows performance against target for majors, minor and other applications for the year.

- 3.3 Following the Government's consultation on the Planning Performance and Planning Guarantee, the general feeling is that the focus should be on achieving the outcome sought, a positive, pro growth planning system. It is better to take extra time and get a better quality result, than rush the decision and get a poor result. The Government has therefore introduced a Planning Extension Agreement system (PEAs), where applicants and LPA's can agree extensions of time subject to there being a programme and clear end date to that extension. The Government is clear that LPA's will not be able to require extensions of time and that it must be agreed between the parties and include a clear end date. During the quarter 21 Planning Extension Agreements were completed. These related to 7 major, 7 minor and 7 other planning applications (see Appendix C).
- 3.4 Two Planning Performance Agreement's (PPA's) have been completed during the quarter. One is for the demolition of existing buildings and erection of a purpose built factory at Commissioners Road, Strood. The other is for reserved matters relating to the construction of twelve 2-bedroomed flats and six 3-bedroomed houses on the site of the former Earl Estate Community Centre, Albatross Avenue, Strood (see Appendix C).
- 3.5 The percentage of appeals upheld during the quarter is 61.53%, this compares to 47.82% of appeals upheld during the same period in 2012. Appeals decided comprise 8 delegated decisions and 5 Committee overturned decisions. No applications have been made for costs. Senior officers review all appeal decisions (See Appendix D).
- 3.6 As part of the Government's Plan for Growth, the Planning Guarantee was announced in March 2011. This was introduced in July 2013, when the Growth and Infrastructure Act came into effect. The Guarantee gives a time limit within which all planning applications should be decided, even where an appeal has been made. It does not replace the existing statutory time limits. In principle, no application should spend more than 26 weeks with either the planning authority or the Inspectorate. Not meeting this target would require the planning fee to be returned to the applicant. Where a PPA or a PEA has been entered into this 26 week period does not apply. Medway has not had to return any fees and all applications are and will be carefully monitored to ensure this does not occur. The planning guarantee also looks at the quality of decisions and if more than 20% of major applications received are allowed on appeal, there is the possibility that a Council may be made a standards authority and applicants would then have the choice of making an application to the Inspectorate (including the fee) rather than the local planning authority. Medway do not fall anywhere near this category but appeal decisions are being carefully monitored.
- 3.7 Development Management is a member of a benchmarking club run by the Planning Advisory Service. The second round of PAS

benchmarking data collection took place in November 2012. This focused on pre-application, customer experience and satisfaction, quality, enforcement and policy. The final report on the data collected has been produced and the findings show that Medway Council is performing well and cost effective when compared to other similar authorities. Consideration of the report did identify some minor areas where improvements can be undertaken. These were:

- a) below average for % of applications valid on receipt, possibly due to Medway's validation criteria being too strict. Validation criteria has now been reviewed which should improve the number of application valid on receipt and reduce the number of applications withdrawn;
- b) the use of Planning Extension Agreements (PEA's) should reduce the number of applications withdrawn and improve performance;
- c) pre-application procedures notes have been reviewed which should improve the use of pre-application advice for major, minor and other applications;
- d) Medway performs less well than other authorities regarding appeals relating to householder applications and we are currently working on improved supplementary design guidance to improve this.

3.8 As a result of Natural England's decision to confirm the notification of a large site at Lodge Hill, Chattenden as a Site of Special Scientific Interest (SSSI), Medway Council decided on 21 November 2013 to withdraw the draft Core Strategy. As a consequence, the Council will now commence work on a new Local Plan and Development Management will input into this process.

3.9 The administration of tree preservation applications is undertaken by the Administration Hub. The post of Principal Tree Officer remains within Development Management. The number of TPO applications received and performance against target time is reported in Appendix E.

3.10 An external assessment of Development Management took place in December to retain ISO certification. The assessor spent a day reviewing planning systems and procedures, examining the service plan and auditing processes with members of staff. The assessor identified no non-conformities or observations and advised that this was the first assessment he had carried out where he had no comments to make. He reported this was exceptional and it was very clear that staff 'owned' the service, had developed the procedures, processes and service plan and were proud of the service they delivered.

4. Advice and analysis

4.1 This report is submitted for information and enables members to monitor performance.

5. Consultation

- 5.1 To contribute to the £34million saving the Council needs to make over the next two financial years a restructure of Development Management has been proposed. The proposed new structure being considered involves the merging of Development Management and Planning Policy and Design. This has been discussed with the Portfolio Holder and the Chairman of Planning Committee and is subject to a formal consultation with Unions and affected staff. It is anticipated the 30 day consultation period will start in early February 2014. The restructure will involve merging the two existing service manager posts and creating a new post of Head of Planning. The service manager for Planning Policy and Design has submitted a request for voluntary redundancy, which is subject to the formal endorsement of full Council. It is anticipated that the current Development Manager will take up the post of Planning Manager on 1 April 2014.
- 5.2 Changes to planning legislation are constantly being introduced. The National Planning Policy Framework was published in March 2012. These changes and their implications were discussed with major developers, agents and staff via forums and team meetings. DM will provide training on planning legislation to the residual service and members of the Customer Contact and Administration hubs. Attendance of representatives from the hubs at service meetings will be crucial in keeping staff up to date with changes to legislation.
- 5.3 Liaison with major house builders within Medway and Development Management continues to assist them to meet commitments during the credit crunch. This has resulted in the negotiation of payment plans to assist developers to meet their S106 developer contributions. During the quarter £976,070 has been received via S106 contributions.
- 5.4 Forums continue to be held with stakeholders to help determine how we can work in partnership to deliver a good quality service within the constraints we are working too. A meeting with major developers, members and senior officers was held in October 2013 and focused particularly on improving partnership working, understanding the issues affecting all parties and improving the service. A similar meeting with Planning Agents took place on 26 November 2013.
- 5.5 The Business Improvement team within Customer Contact survey customer satisfaction and forward details of dissatisfied customers relating to the planning service onto Development Management.
- 5.6 Performance data for customer satisfaction by those who access the service via email, internet or telephone is collected using the GovMetric portal.

6. Risk Management

- 6.1 The risk register for the service has been refreshed for 2013/14 and rates the risk against service vulnerability, triggers, consequence of risk and mitigation.
- 6.2 Performance is regularly monitored to ensure that the Council's Development Management function meets its monthly, quarterly and annual targets. In addition comparisons are undertaken with all other authorities to assess performance against the national average.
- 6.3 Monitoring of all appeal decisions is undertaken to ensure that the Council's decisions are being defended thoroughly and that appropriate and defensible decisions are being made by Committee and under delegated powers. The lack of any monitoring could lead to more decisions going contrary to the Council decisions resulting in poorer quality development and also costs being awarded against the Council.
- 6.4 Within the Enforcement team measures and procedures are in place to ensure that appropriate enforcement action will be taken where necessary and that decisions taken are defensible to challenge.
- 6.5 The section continues to retain ISO accreditation for its processes, which ensures a quality and consistency of decision making that enables the majority of challenges/complaints against decisions not to be upheld. Where complaints are justified then the reasons for that are reviewed and appropriate action/changes are made.

7. Financial and legal implications

- 7.1 Development Management procedures are constantly being reviewed to reflect new ways of working including extending pre-application charging to all types of planning applications.
- 7.2 Planning income during the quarter is £165,222 compared to £185,391 in the previous quarter. Total income for the year 2012/13 was £962,618. Total income for the year 2011/12 was £945,456. See Appendix A, Figure 5.
- 7.3 If the Local Planning Authority is designated as non performing then applicants would have the choice of submitting applications to the Planning Inspectorate which would include the fee. This would not only take control away from the LPA but would reduce income.
- 7.4 There are no legal implications arising directly from this report.

8. Recommendations

- 8.1 This report is submitted for information to assist the committee in monitoring Development Management activity and therefore there are no recommendations for the committee to consider.

Lead officer contact

Dave Harris, Development Manager
Gun Wharf
Telephone: 01634 331575
Email: dave.harris@medway.gov.uk

Background papers

General Development Control Return PS1
General Development Control Return PS2

Appendix A : Development Management

Figure 1 *Number of applications received and determined 2011/12 to December 2013*

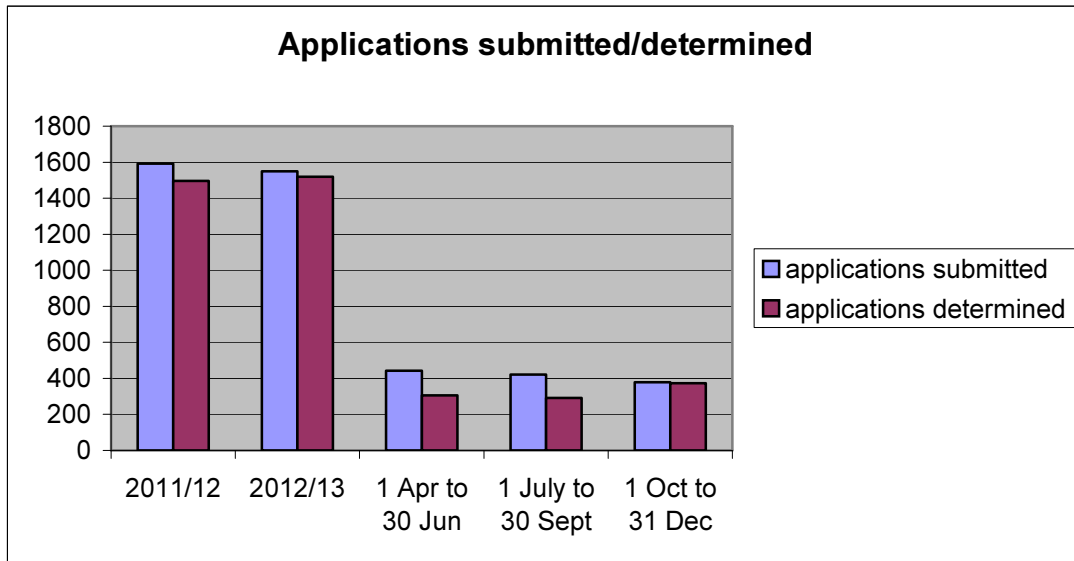


Figure 2 *Percentage of “Major” applications determined against performance target July 2012 to December 2013*

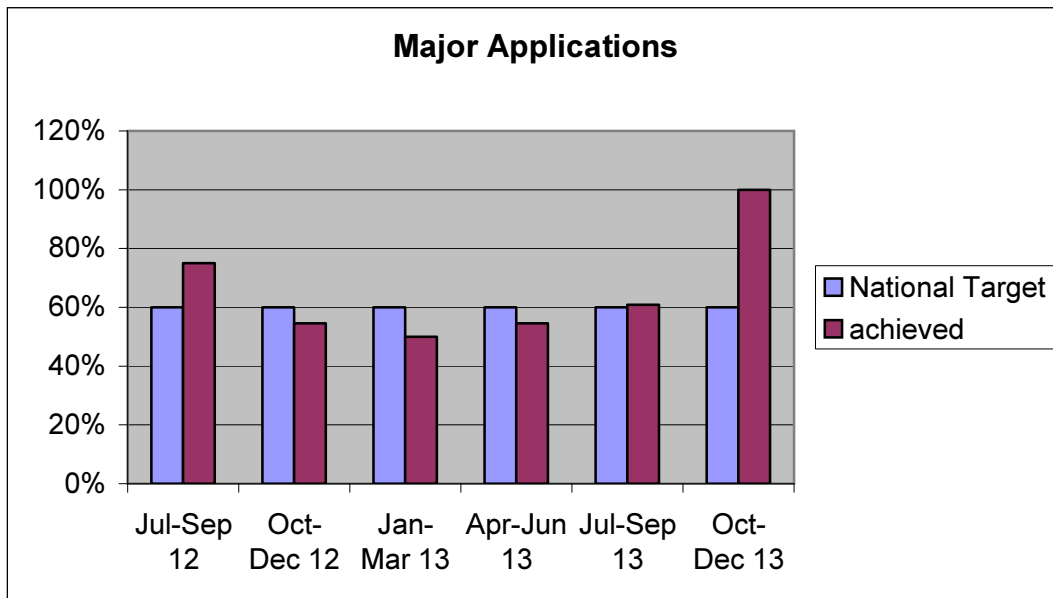


Figure 3 *Percentage of "Minor" applications determined against performance target July 2012 to December 2013*

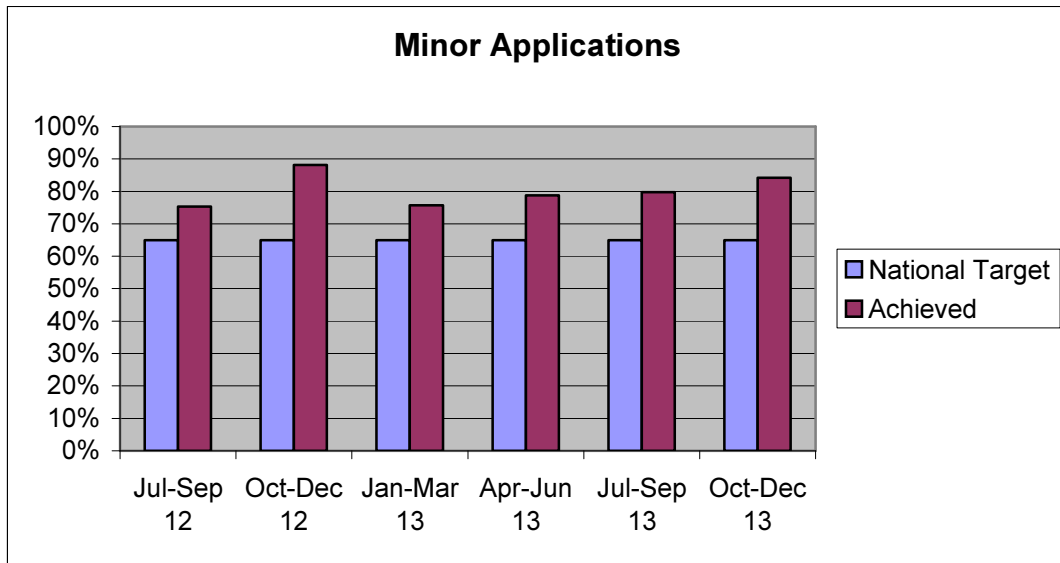


Figure 4 *Percentage of "Other" applications determined against performance target July 2012 to December 2013*

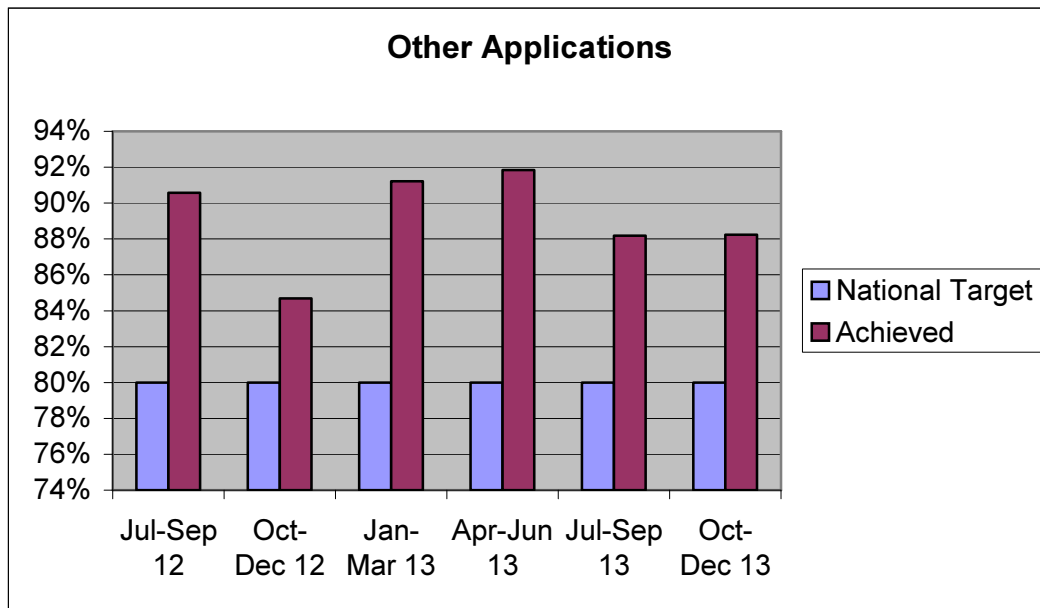


Figure 5 Planning application fees received showing 2010/11, 2011/12, 2012/13 and April to December 2013

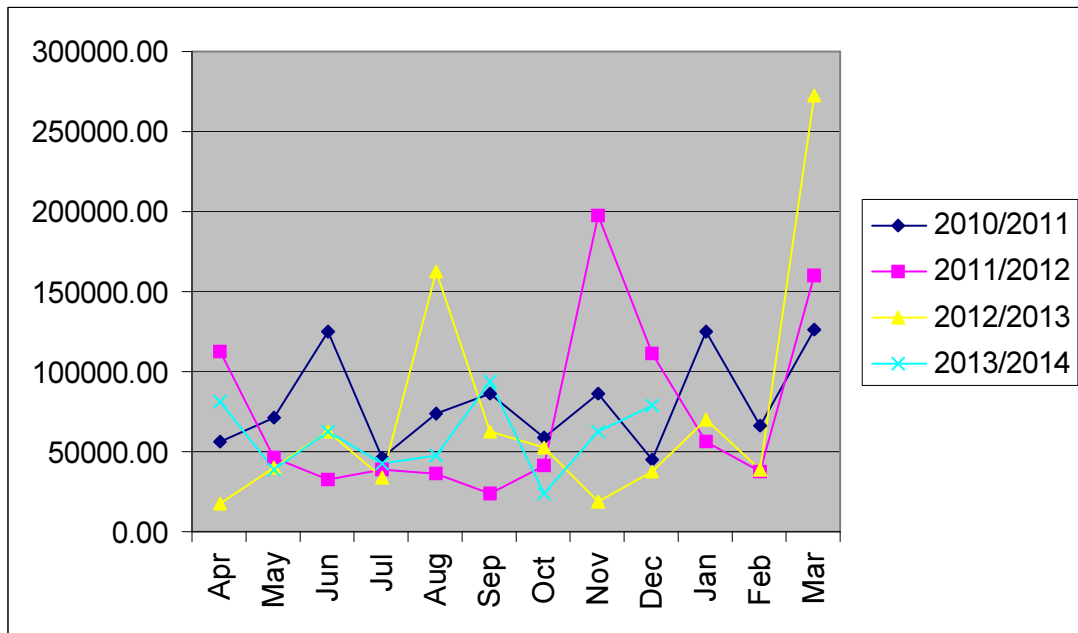
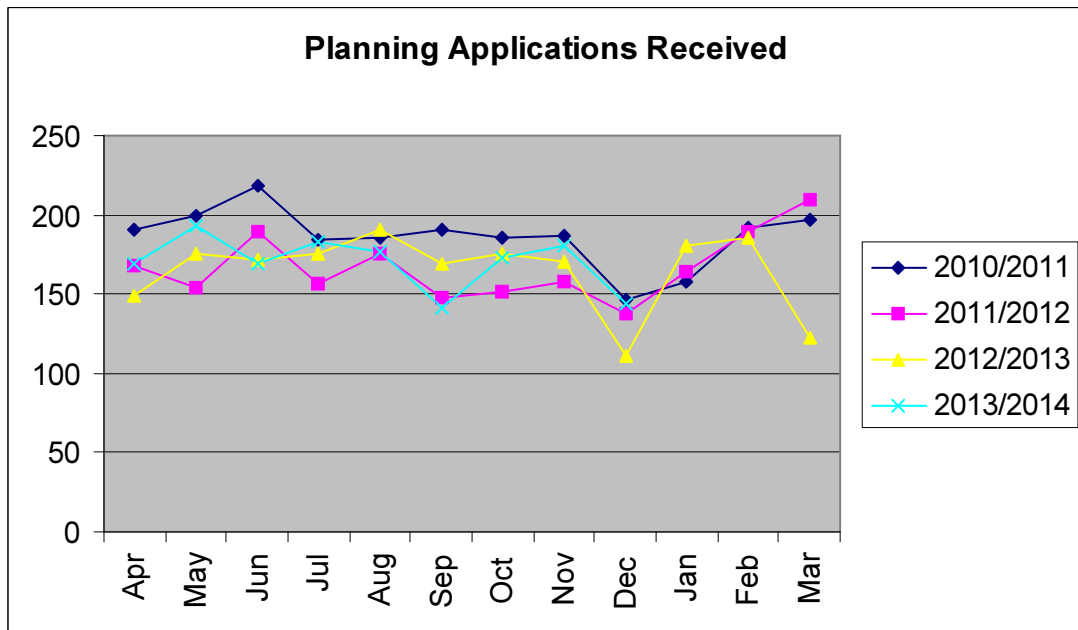
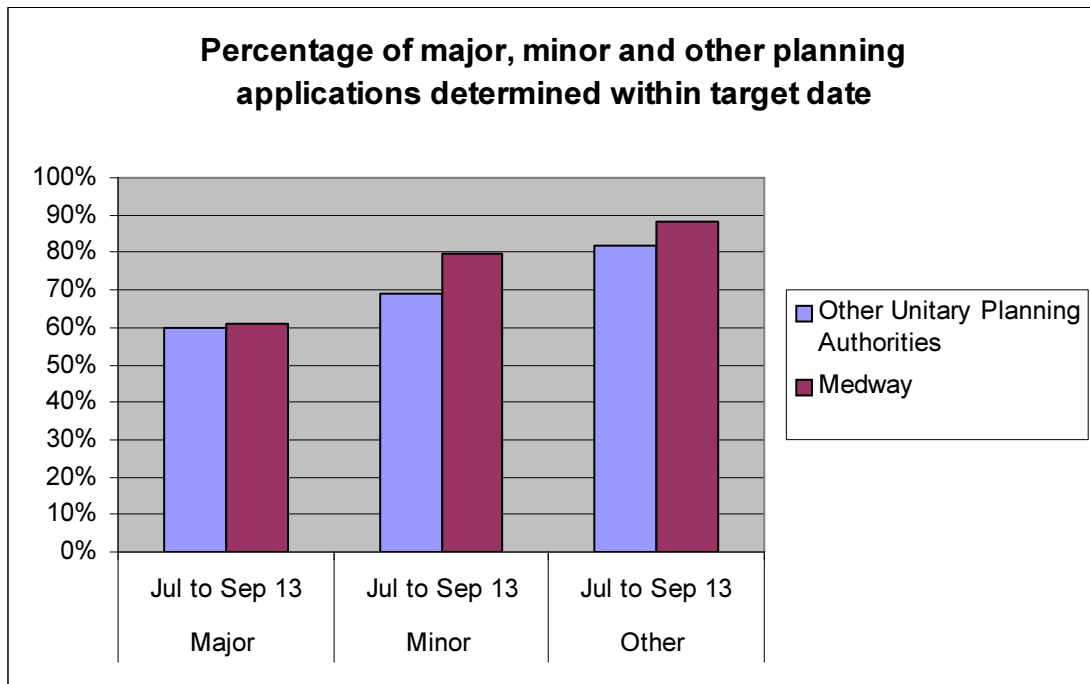


Figure 6 Planning Applications received showing 2010/11, 2011/12, 2012/13 and April to December 2013



Appendix B : Benchmarking

Government produced statistics and league tables compares performance to the national average. The chart below compares the performance with other unitary planning authorities for the quarter July to September 2013.



Appendix C : Performance Agreements and Extension of Time

Figure 1

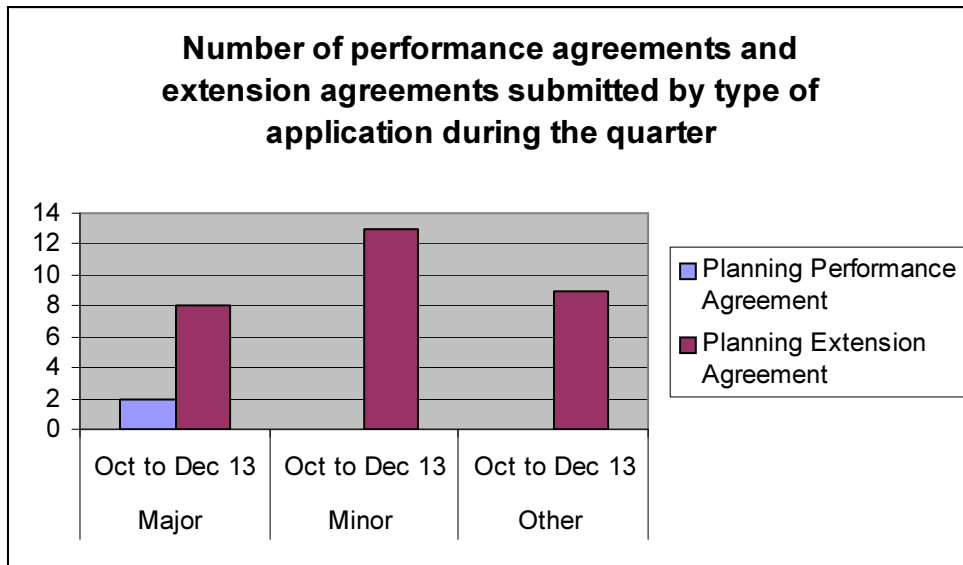
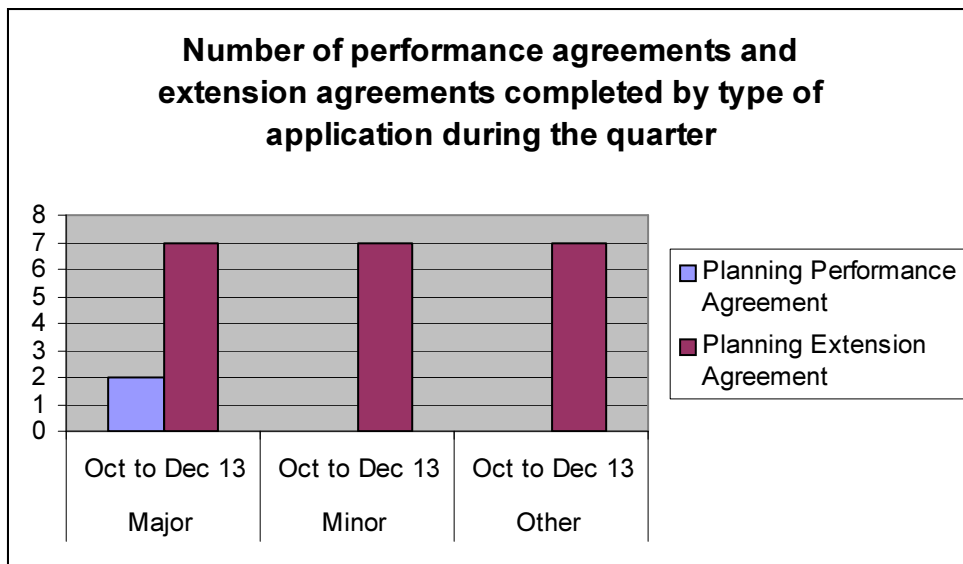


Figure 2



Appendix D : Appeals

Figure 1 *Number of appeals received July 2012 to December 2013*

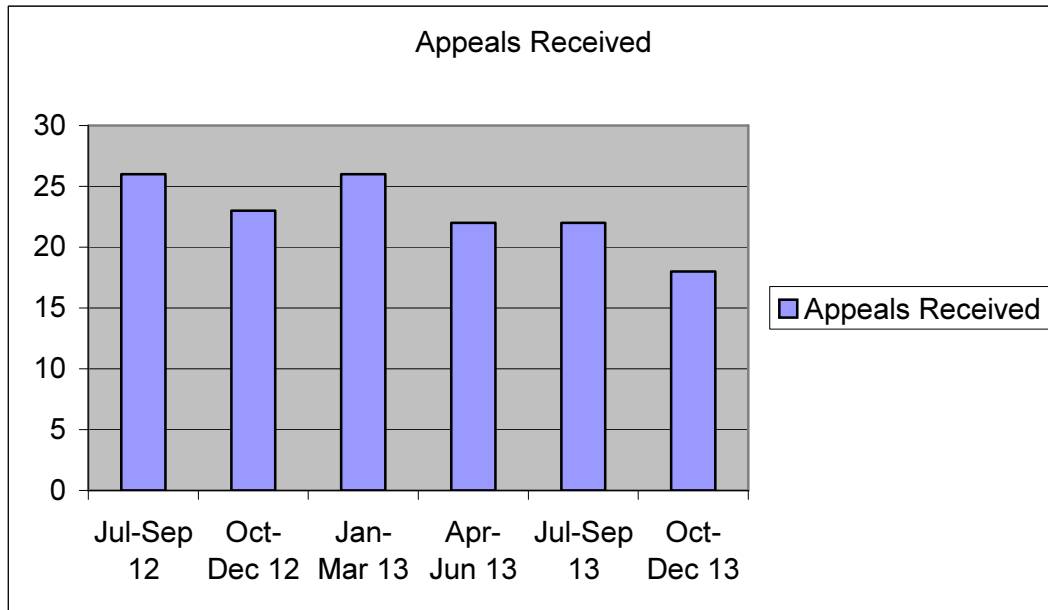
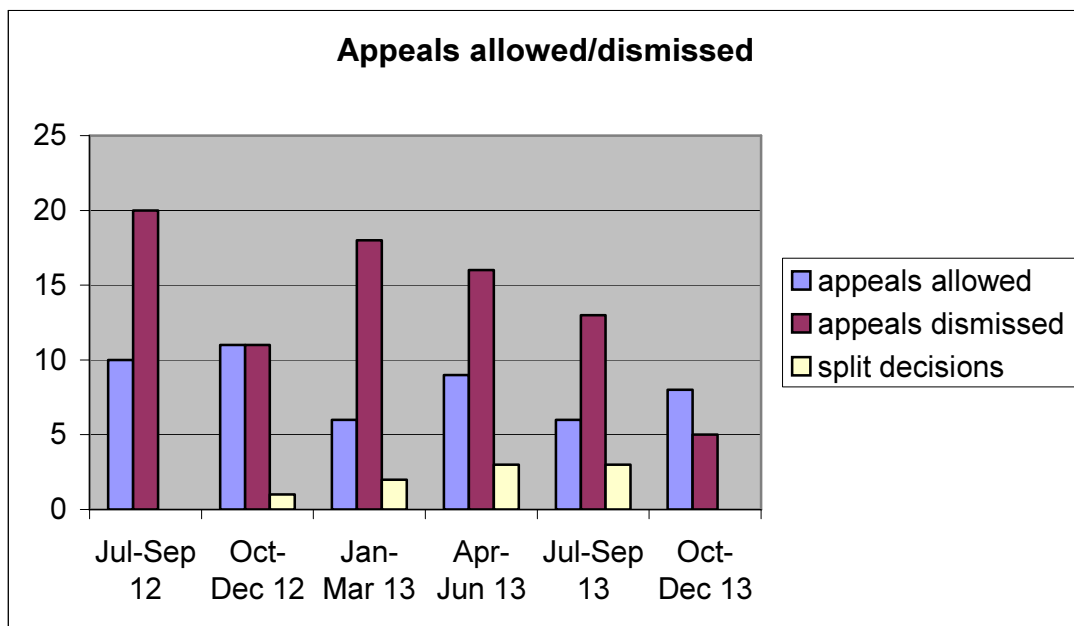
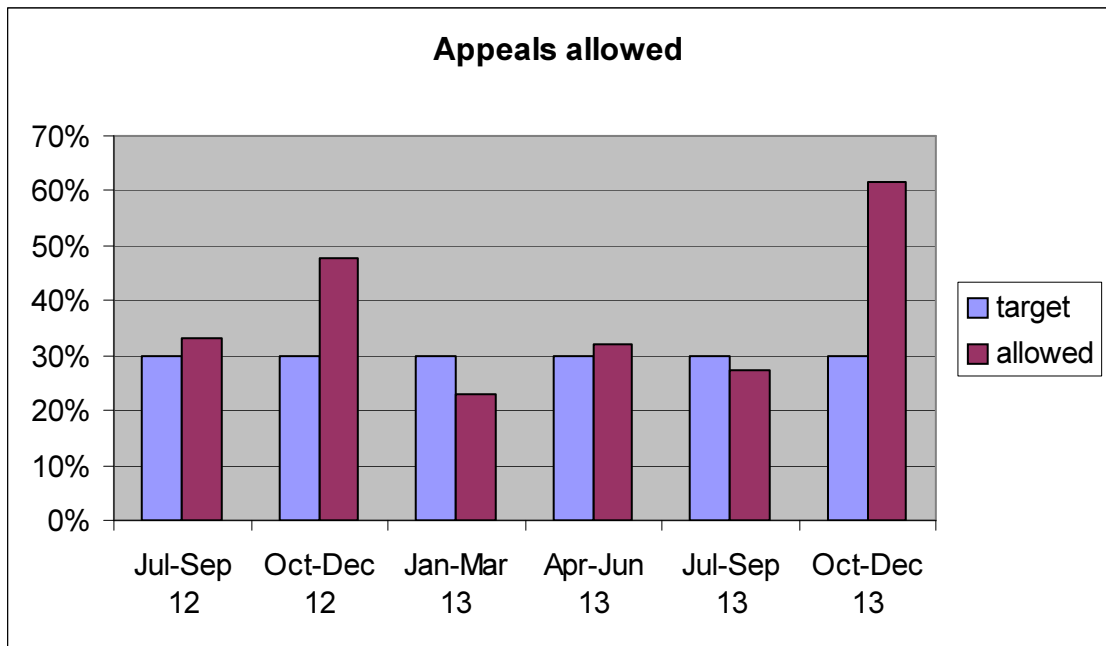


Figure 2 *Number of Appeals allowed / dismissed July 2012 to December 2013*



**Figure 3 : Percentage of appeals allowed against target of 30%
October 2012 to December 2013**



Appendix E : Enforcement

Figure 1 *Number of enforcement notices served and prosecutions October 2012 to December 2013*

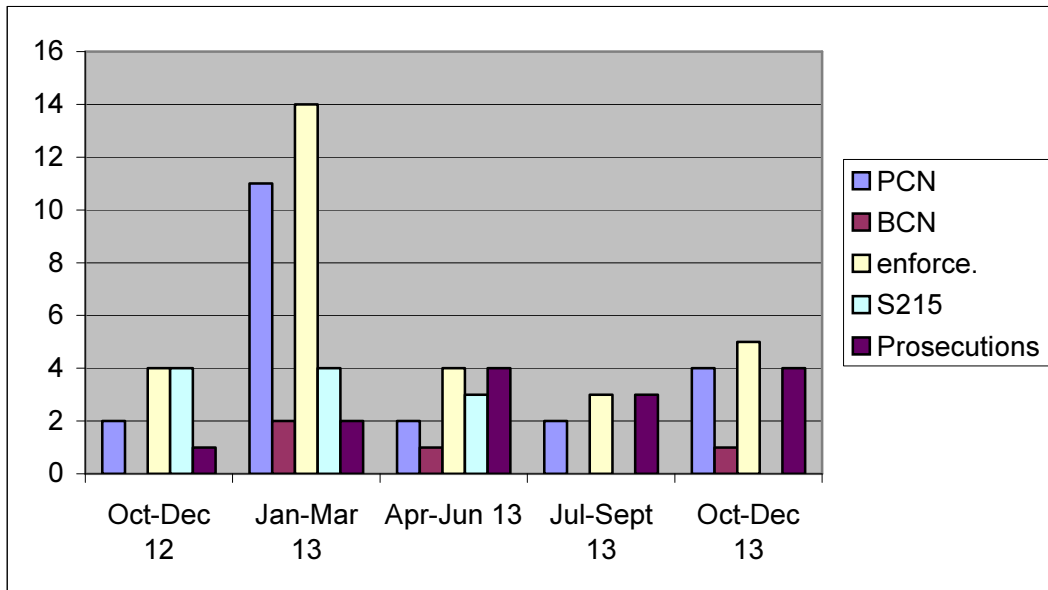
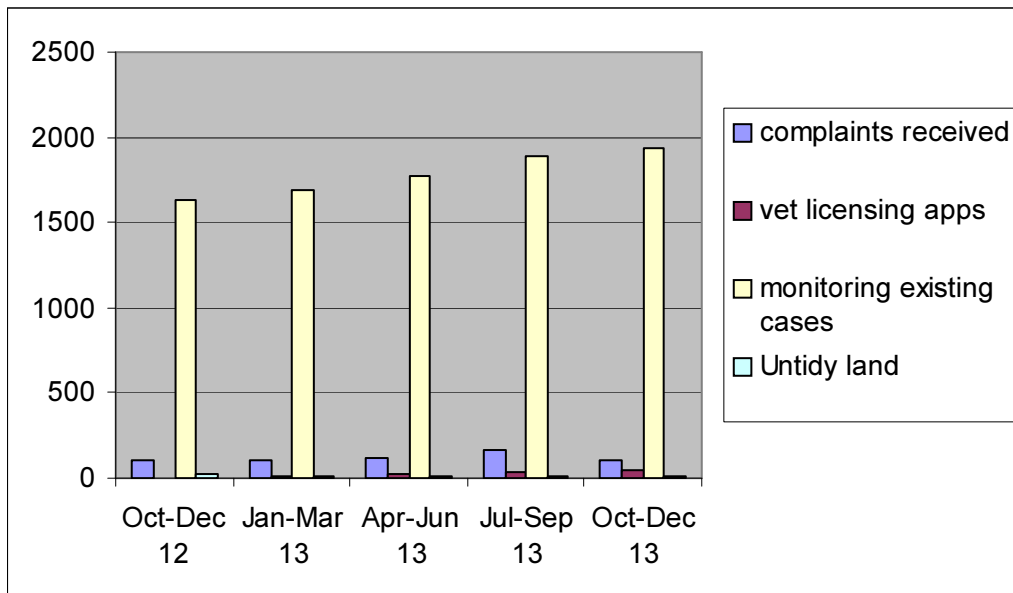


Figure 2 *Number of enforcement related complaints and activities October 2012 to December 2013*



Appendix F : Tree Preservation Order Applications

Figure 1 : TPO applications received from January 2013 to December 2013

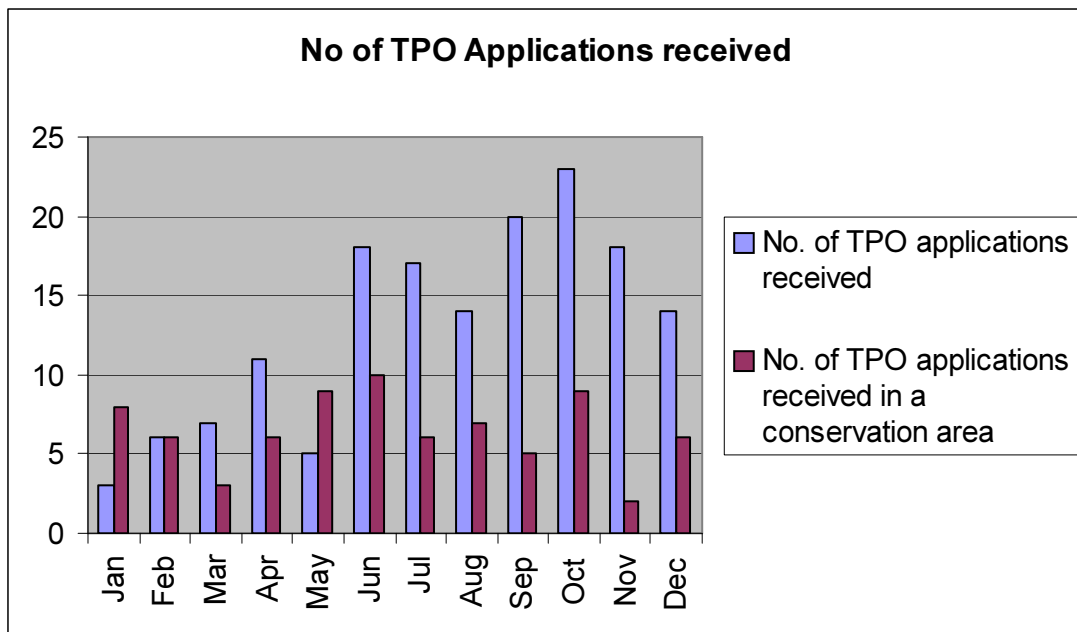
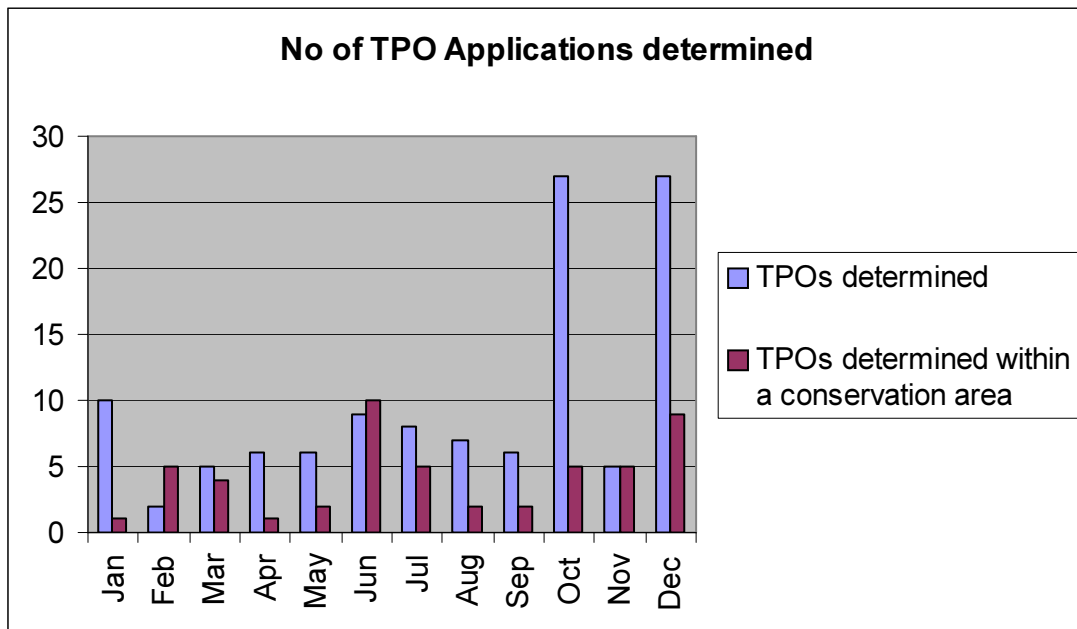


Figure 2 : TPO applications determined from January 2013 to December 2013



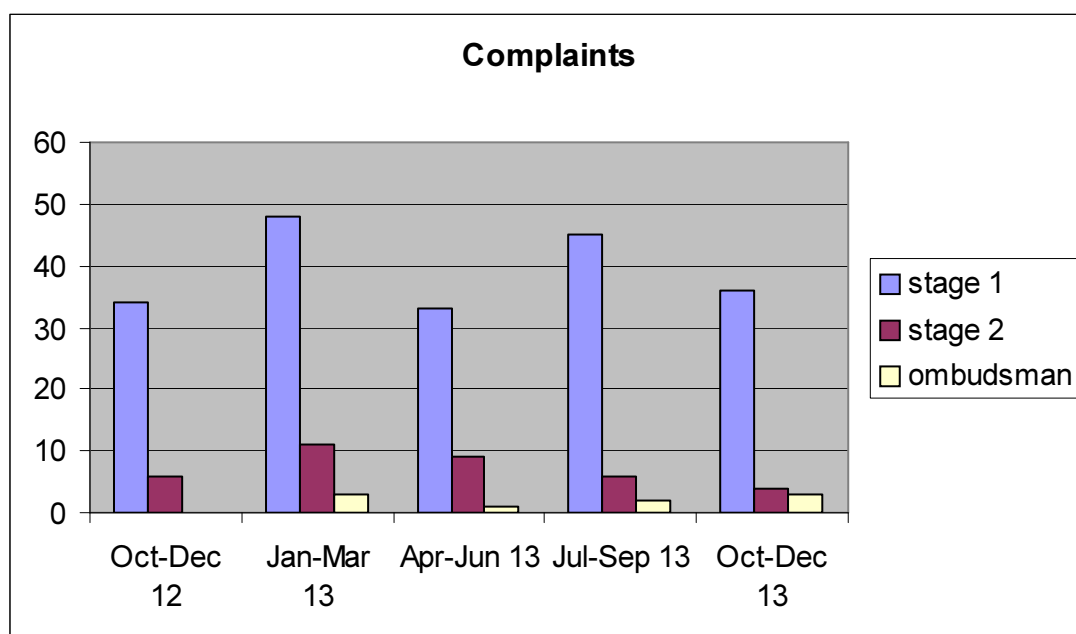
Appendix G : complaints

Complaints are received by phone, email, e-form, letter, fax or face to face at reception. All complaints are logged with a target deadline date of 10 working days. The chart below shows number of complaints responded to.

The corporate complaints procedure involves 2 stages :

Stage 1 : the complainant receives a response from the service manager. The response letter also includes a final paragraph giving ways to contact the Chief Executive's office if the complainant wants to take the matter further.

Stage 2 : the complainant receives a response from the Chief Executive giving details on how to contact the Ombudsman should the complainant remain dissatisfied.



During the quarter 45 complaints were answered, with 100% being answered within the target time of 10 working days. No complaints were upheld. Three complaints were partially upheld, one due to the late notification for the requirement of additional information. The fee for a minor material amendment was waived and an apology issued. Another was due to confusion over the type of application required and a refund was offered for the difference between fees. An apology was also provided for the lack of response from an officer. All others were dismissed.

The Ombudsman closed three complaints without investigating during the quarter as they found no evidence of administrative fault in the council's actions. These related to alleged breaches in planning at Jarrett Avenue and Sherwood House and an Article 4 decision at Elmhaven.