

**PLANNING COMMITTEE**  
**13 AUGUST 2014**  
**PERFORMANCE REPORT: 1 APRIL TO**  
**30 JUNE 2014**

Report from: Robin Cooper, Regeneration, Community and Culture

Author: Dave Harris, Head of Planning

**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:

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 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 the Planning Performance Agreement (PPA's) and Planning Extension Agreement system (PEAs), where applicants and LPA's can agree the timeframe for the determination of an application subject to there being a programme and clear end date for the application determination. The Government is clear that LPA's will not be able to require extensions of time (for PEA's) and that it must be

agreed between the parties and include a clear end date. Applications for PPA's and PEA's are not included within the NI157 submission figures and are now recorded separately.

- 2.3 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.
- 2.4 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 H 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 April to 30 June 2014 the authority received 458 planning applications; this is compared to 427 for the same period in 2013. For the year 2013/14 the authority received 1607 applications, this compares to 1547 in 2012/13.

Performance for major applications during the quarter is 59% (against a target of 60%) for applications without a PPA or PEA, with 100% of applications with a PPA or PEA determined within the agreed timeframe. Overall, 79.16% of major applications received were determined within the target time. This compares to 85.71% during the previous quarter. For the year 2014/13 69.73% of major applications were determined within target.

Performance for minor applications during the quarter is 82% (against a target of 65%) for applications without a PEA, with 93% of applications with a PEA determined within the agreed timeframe (only 1 went out of time). Overall, 84.41% of minor applications received were determined within the target time. This compares to 75.60% during the previous quarter. For the year 2014/13 79.08% of minor applications were determined within target.

For other planning applications the national target is 80% and Development Management achieved 88% (against a target of 80%) for applications without a PEA, with 100% of applications with a PEA determined within agreed timeframes. Overall, 91.01% of other applications were determined within the target time. This compares to 89.78% during the previous quarter. For the year 2013/14 90.21% of other applications were determined within target.

Comparing performance against the latest data available nationally (January to March 2014), Medway are performing significantly above average for major, minor and other applications. This has been achieved with the appropriate use of PPA's and PEA's. (see Appendix B).

Appendix A, figure 2, 3 and 4 shows performance against target (including those with PPA's and PEA's) for majors, minor and other applications for the year.

- 3.3 During the quarter 35 Planning Extension Agreements were completed this compares to 27 in the previous quarter. These related to 5 major, 16 minor and 14 other planning applications (see Appendix C).
- 3.4 One Planning Performance Agreement's (PPA) has been completed during the quarter. This related to the construction of a 4 storey building at Chatham Docks for use as a University Technical College.
- 3.5 The percentage of appeals upheld during the quarter is 61%, this compares to 32% of appeals upheld during the same period in 2013. Appeals decided comprise 11 delegated decisions, 4 committee overturned decisions, 1 committee decision in line and 2 enforcement. Three applications have been made for costs, 2 by the appellant and 1 by the LPA. The LPA had costs allowed. 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 Work on the new Local Plan has commenced and Development Management will input into this process. The authority has received an excellent response for its call for sites, which includes both residential and employment. Planning Officers have been asked to propose additional sites and will review the sites put forward to identify those that are sustainable and could possibly be included in the new Local Plan.
- 3.8 The administration of tree preservation applications is undertaken by the Administration Hub. The post of Senior Tree Officer remains within Development Management. The number of TPO applications received and performance against target time is reported in Appendix E.
- 3.9 An external assessment of Development Management took place in June 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. He was particularly impressed with the way management involve the team with the setting of objectives and targets when developing the service plan. The next ISO external assessment is scheduled for December 2014.
- 3.10 The new structure of the planning service was implemented in April 2014. This involved the merging of Development Management and Planning Policy and Design.

#### **4. Advice and analysis**

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

#### **5. Consultation**

- 5.1 Changes to planning legislation are constantly being introduced. The National Planning Policy Framework was published in March 2012 and the (on line) National Planning Guidance (essentially replacing circulars) introduced in 2014. 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 £415,221 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 took

place in June 2014. This has provided developers with the opportunity to contribute towards Medway's Local Plan Programme. Discussions included call for sites, the Strategic Land Availability Assessment (SLAA) and methodology and the programme for Community Engagement.

- 5.5 The authority is engaging with developers and members regarding some of the sites identified during the call for sites exercise.
- 5.6 The Business Improvement team within Customer Contact survey customer satisfaction with respect to initial contact and forward details of dissatisfied customers relating to the planning service onto Development Management.
- 5.7 Development Management have introduced an electronic customer satisfaction survey. All decisions issued via email contain a link to the survey. It asks seven questions and 18 surveys were completed during the quarter (see Appendix G). Comments received are very mixed and appear to be dependant on whether an application is approved or refused.
- 5.8 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 £161,880 compared to £209,698 in the previous quarter. Total income for the year 2013/14 was £800,440. Total income for the year 2012/13 was £962,618. 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**

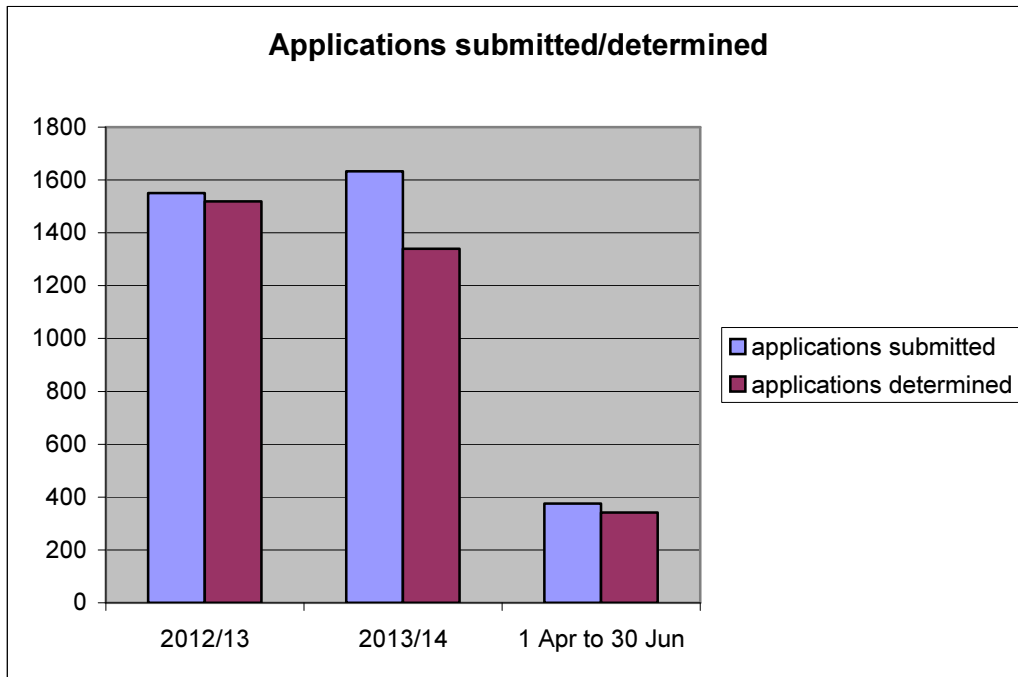
Dave Harris, Development Manager  
Gun Wharf  
Telephone: 01634 331575  
Email: [dave.harris@medway.gov.uk](mailto:dave.harris@medway.gov.uk)

### **Background papers**

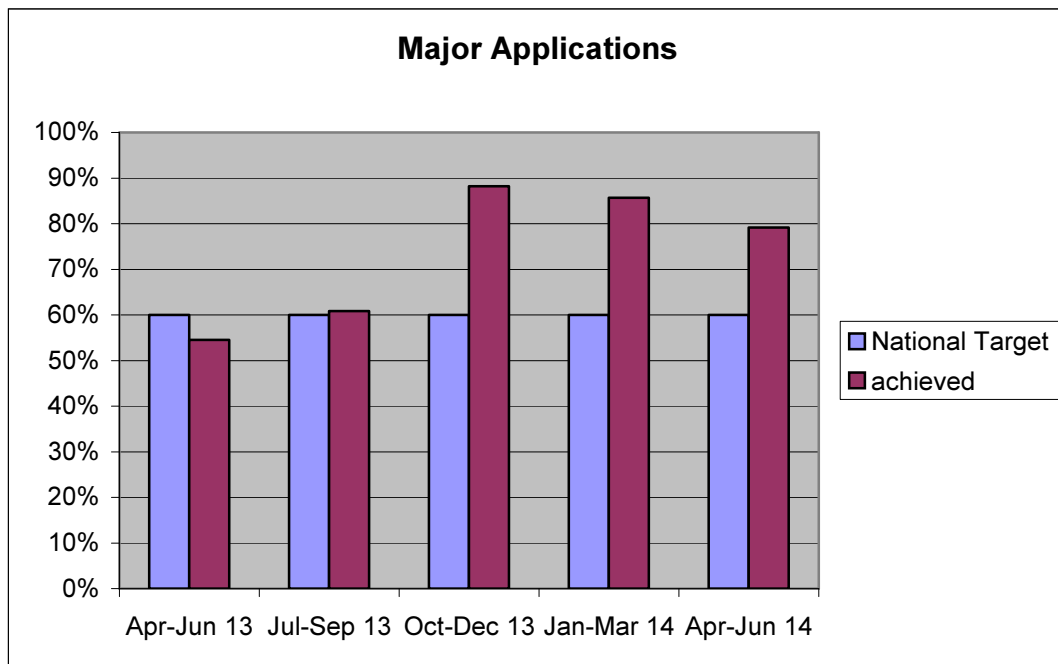
General Development Control Return PS1  
General Development Control Return PS2

## Appendix A : Development Management

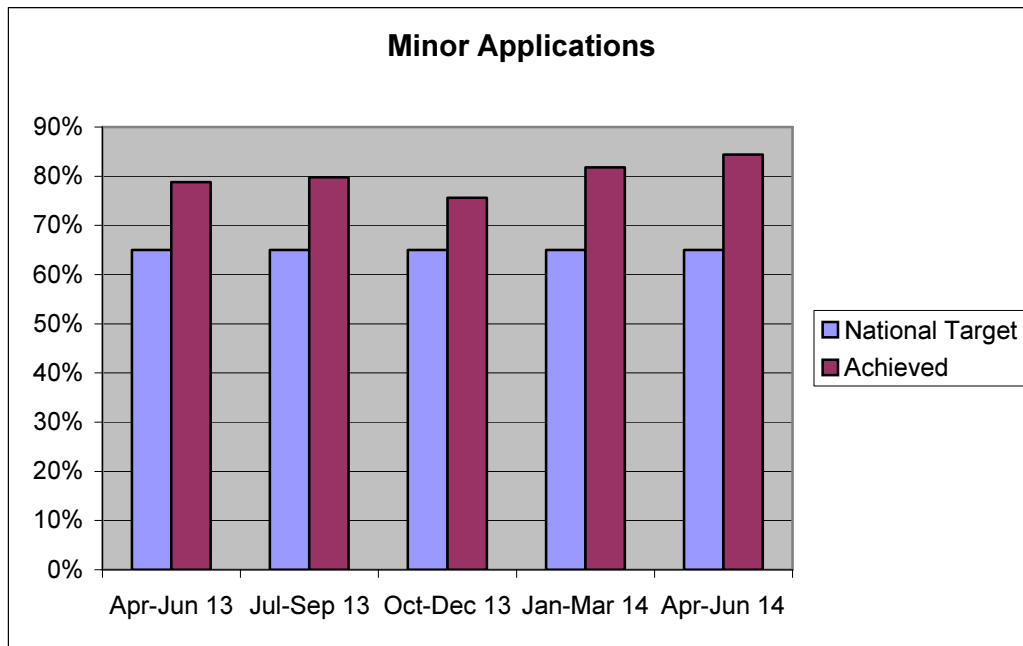
**Figure 1** *Number of applications received and determined 2012/13 to June 2014*



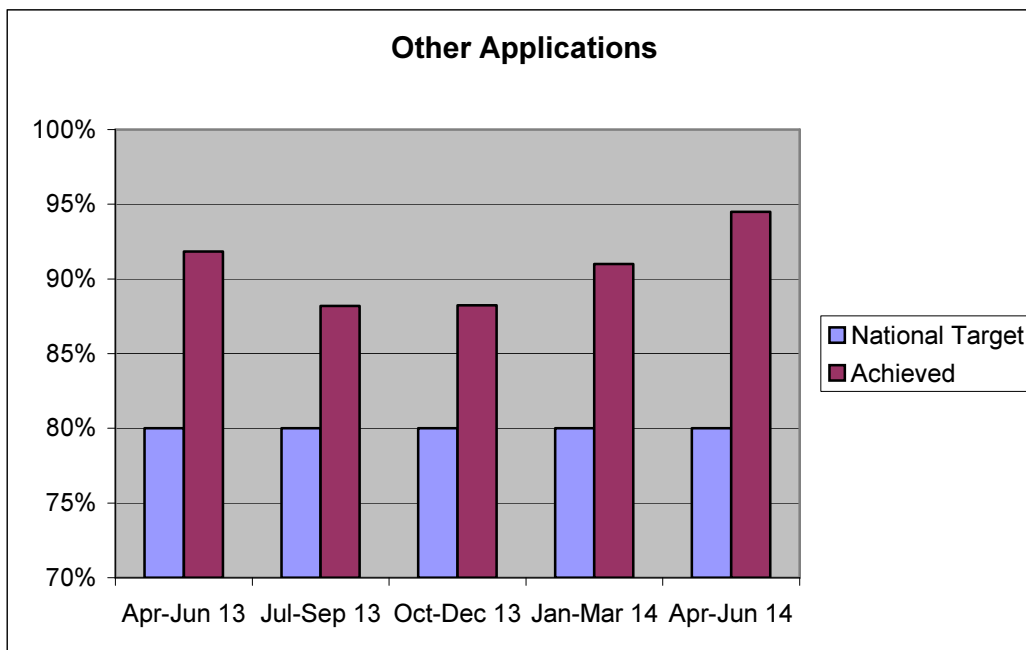
**Figure 2** *Percentage of "Major" applications determined against performance target April 2013 to June 2014*



**Figure 3 Percentage of “Minor” applications determined against performance target April 2013 to June 2014**

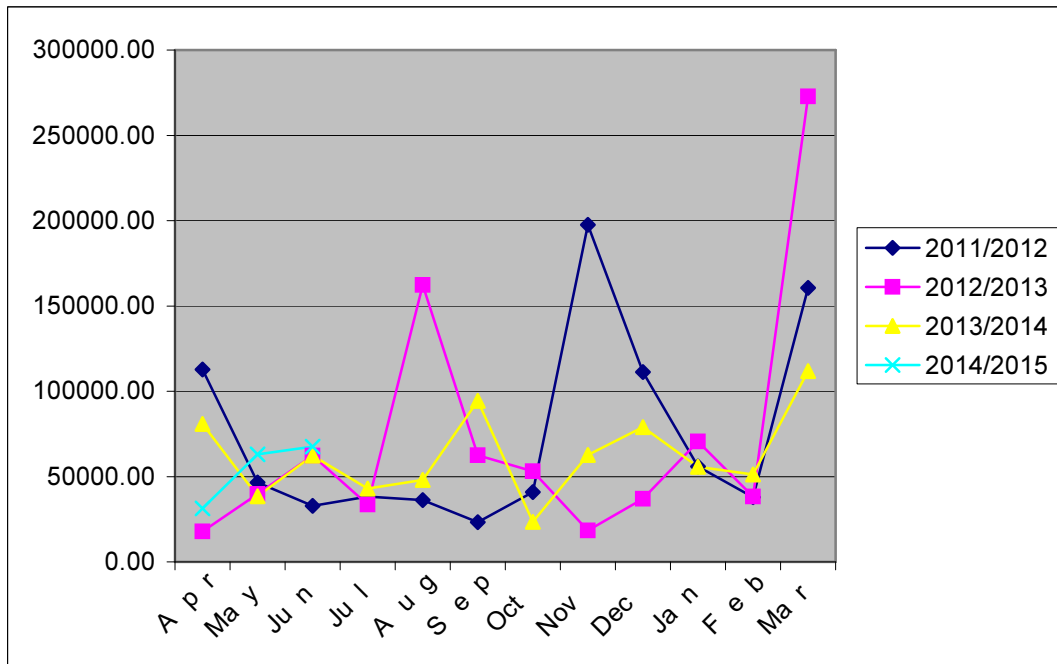


**Figure 4 Percentage of “Other” applications determined against performance target April 2013 to June 2014**

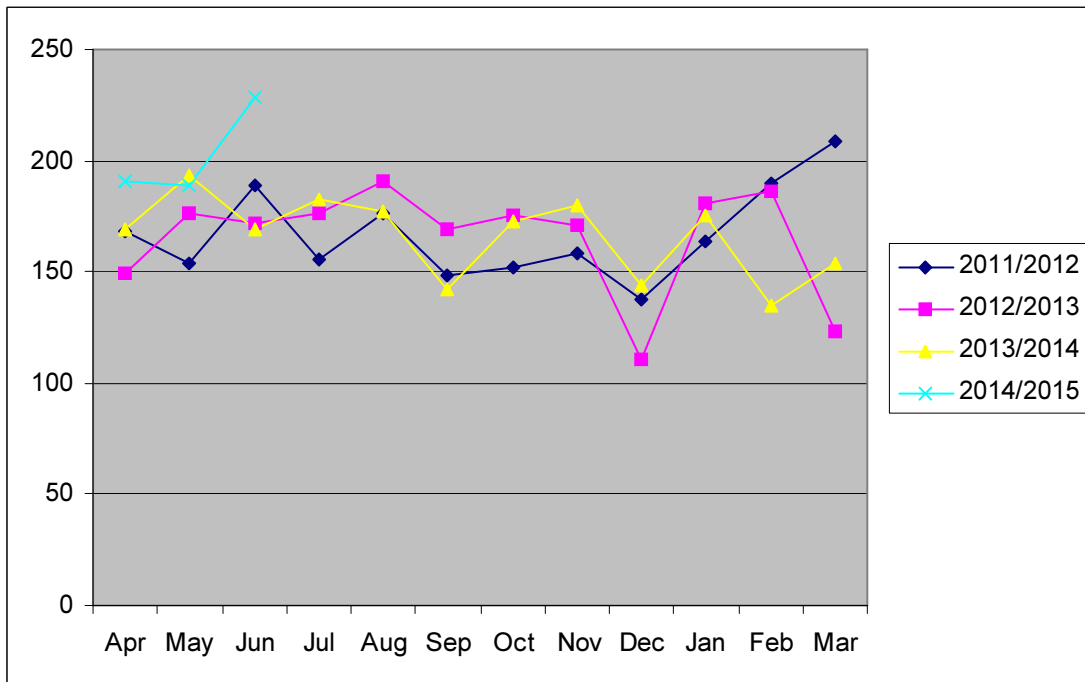




**Figure 5 Planning application fees received showing 2011/12, 2012/13, 2013/14 and April to June 2014**

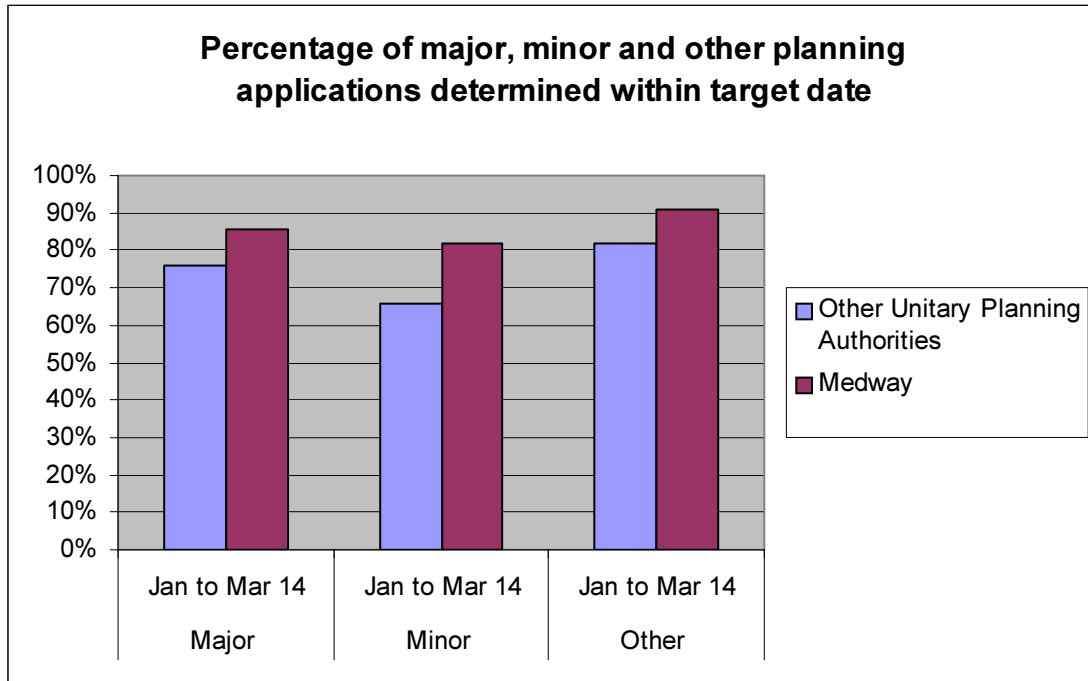


**Figure 6 Planning Applications received showing 2011/12, 2012/13, 2013/14 and April to June 2014**



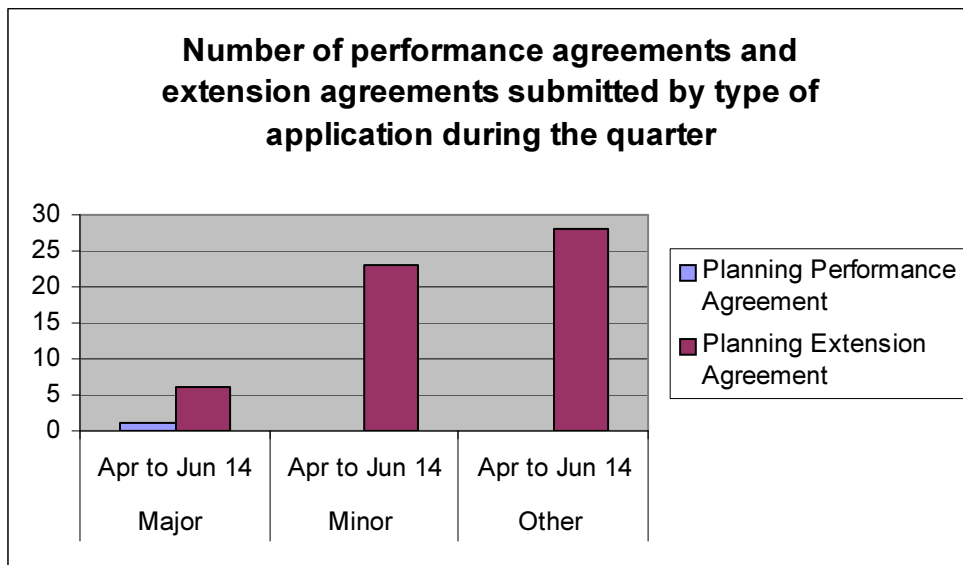
## **Appendix B : Benchmarking**

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 January to March 2014.

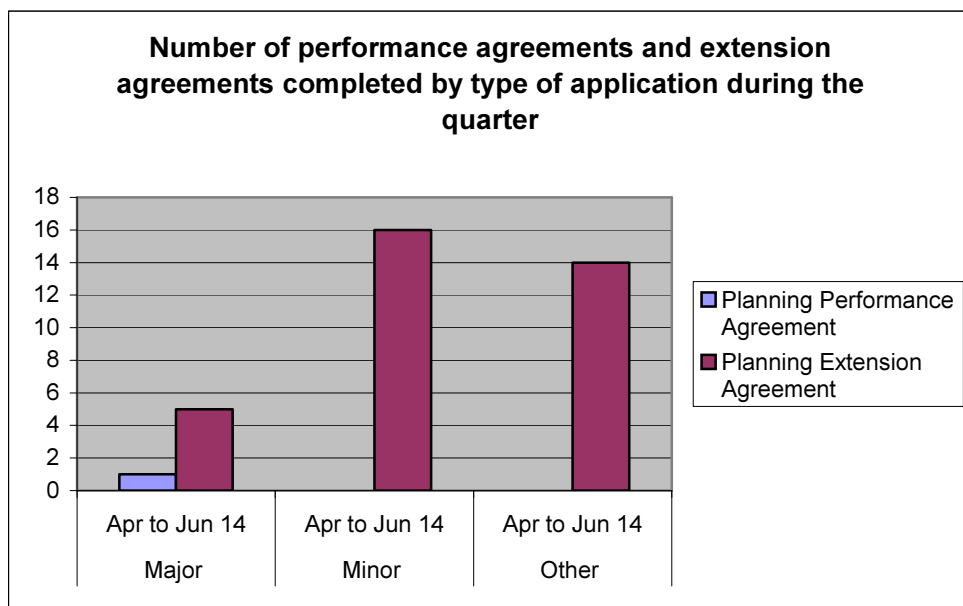


## Appendix C : Performance Agreements and Extension of Time

**Figure 1**

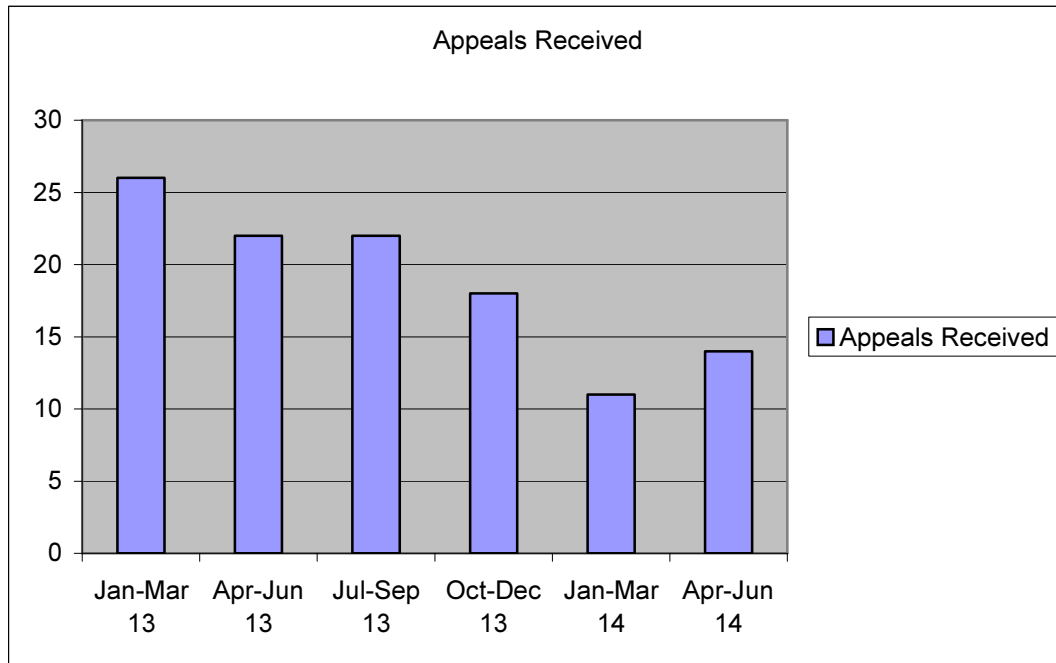


**Figure 2**

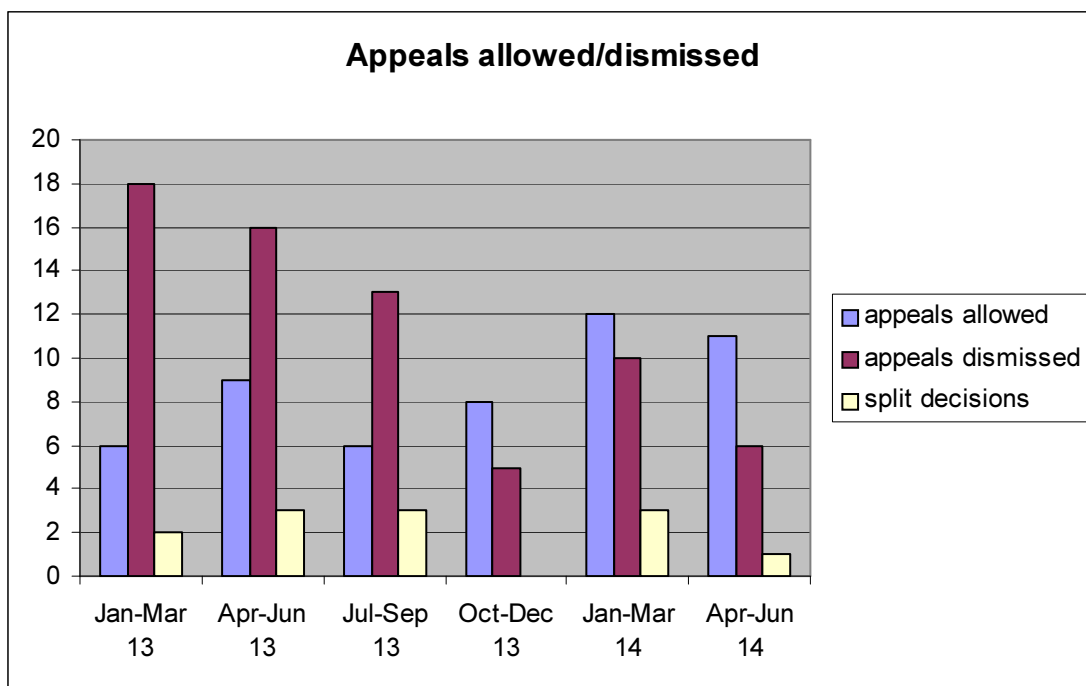


## Appendix D : Appeals

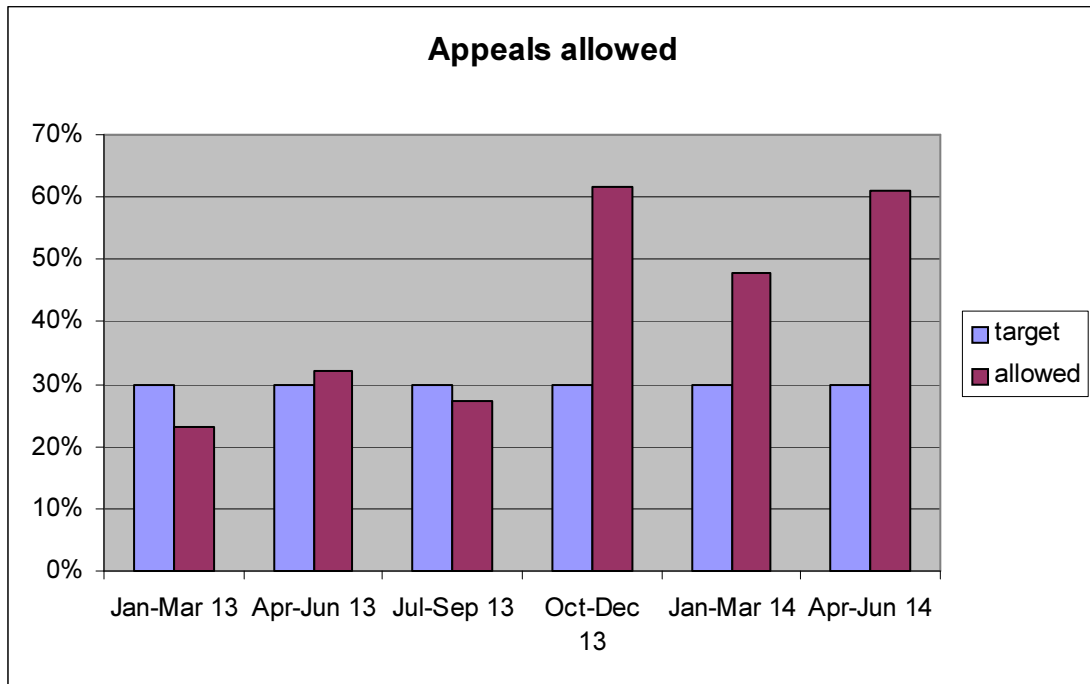
**Figure 1** *Number of appeals received January 2013 to June 2014*



**Figure 2** *Number of Appeals allowed / dismissed January 2013 to March 2014*

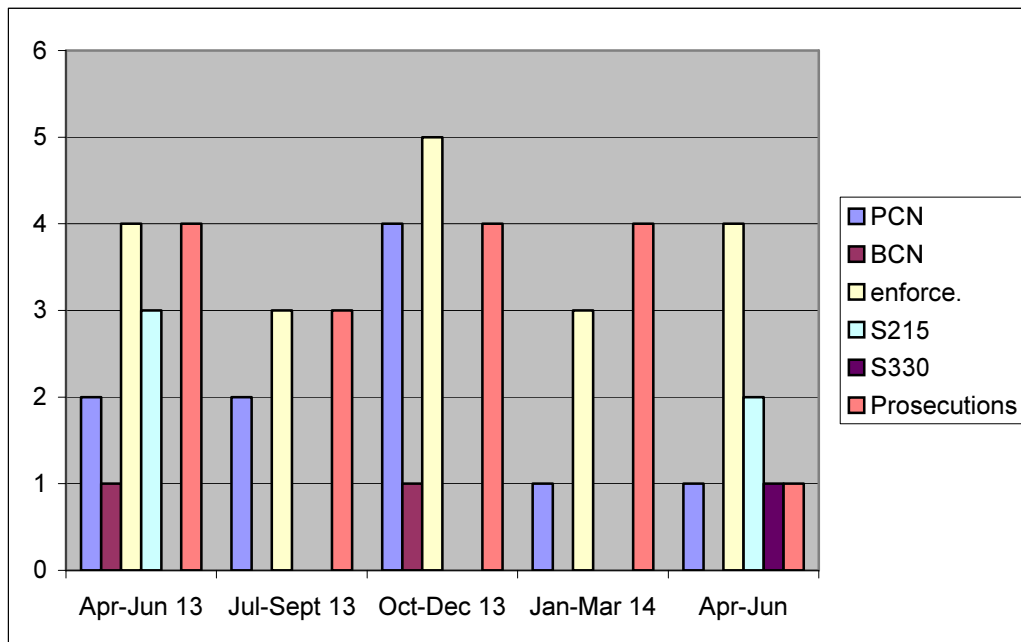


**Figure 3 : Percentage of appeals allowed against target of 30%  
January 2013 to June 2014**

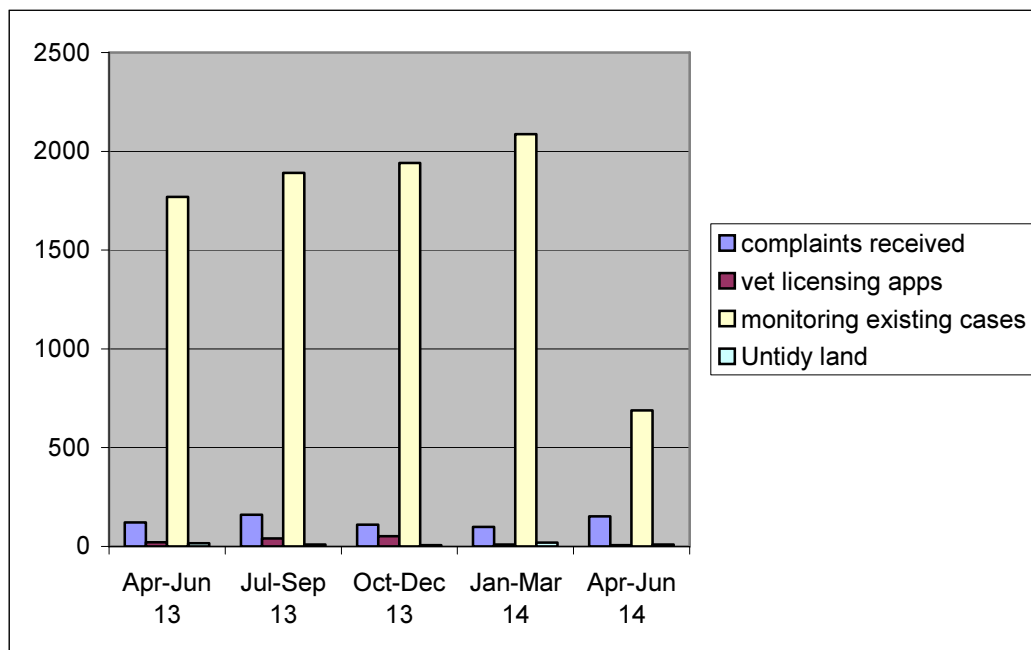


**Appendix E : Enforcement**

**Figure 1** *Number of enforcement notices served and prosecutions April 2013 to June 2014*

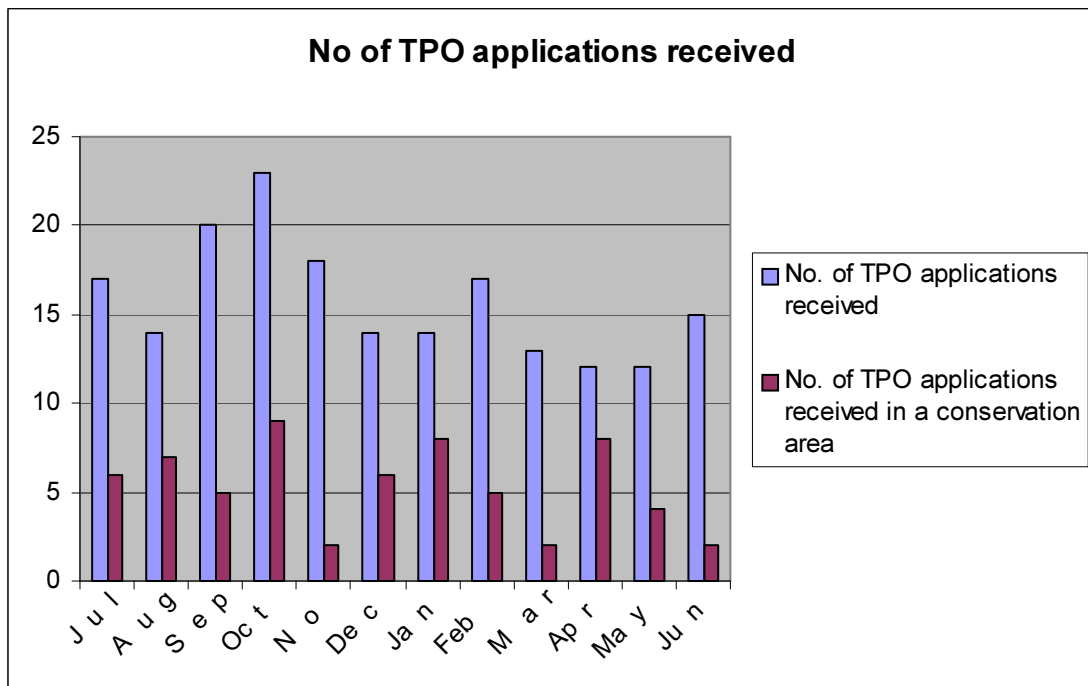


**Figure 2** *Number of enforcement related complaints and activities April 2013 to June 2014*

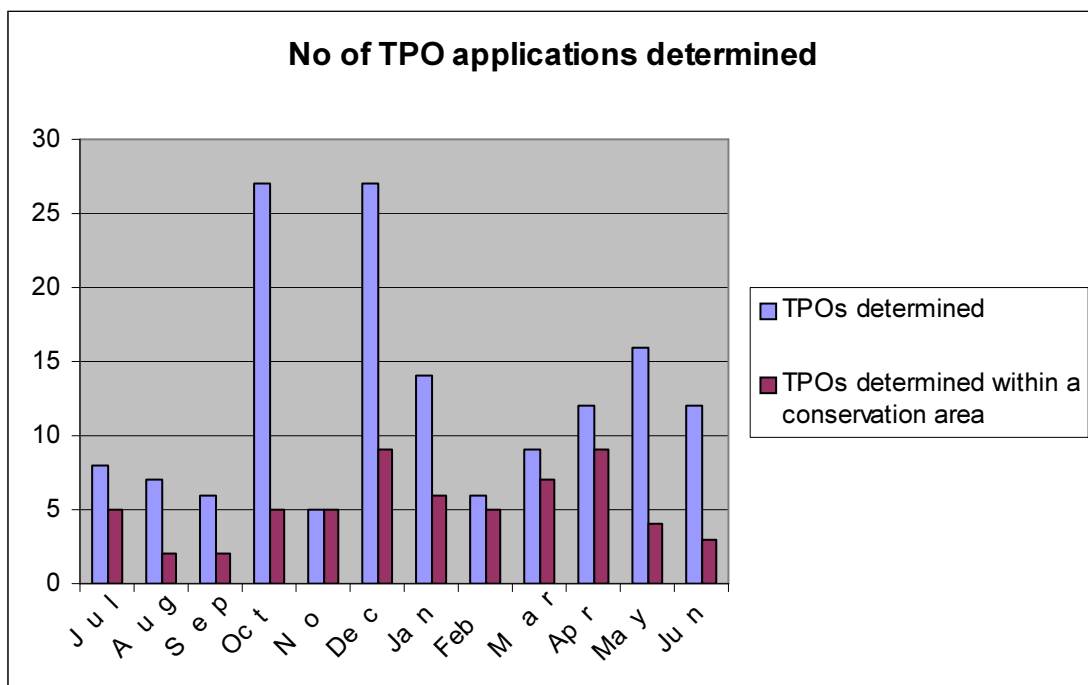


**Appendix F : Tree Preservation Order Applications**

**Figure 1 : TPO applications received from July 2013 to June 2014**



**Figure 2 : TPO applications determined from July 2013 to June 2014**

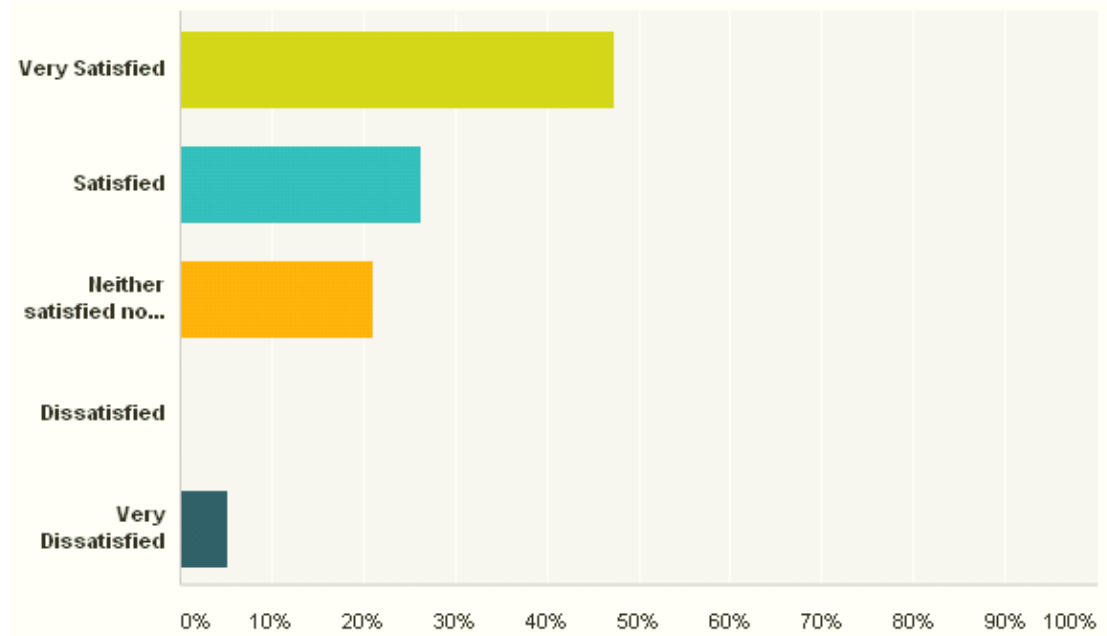


## **Appendix G**

### **Development Management Customer Satisfaction Survey Results**

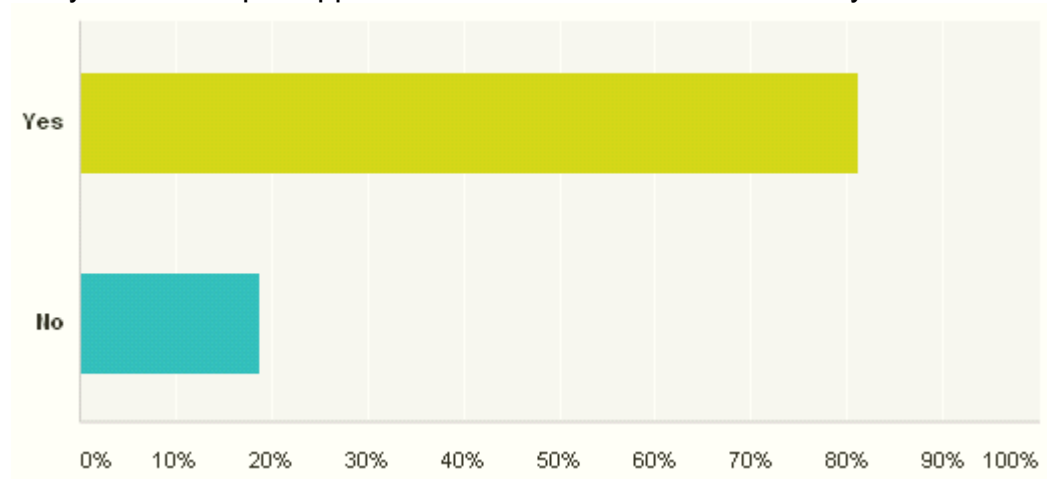
#### **Question 1**

If you obtained pre-application advice, how satisfied were you with the service?



#### **Question 2**

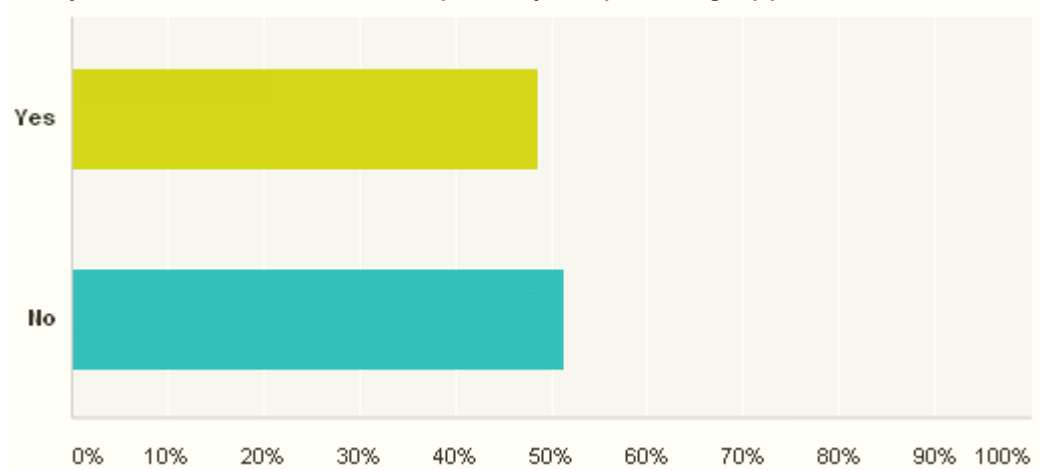
Did you feel the pre-application service was value for money?





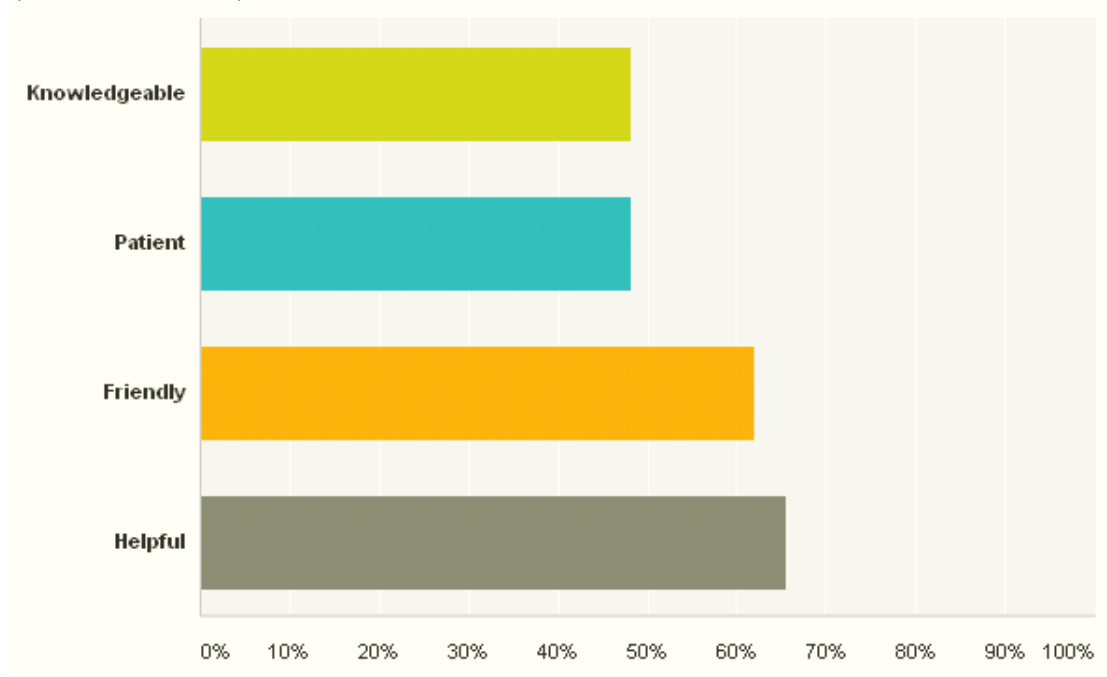
### Question 3

Did you use our website to help with your planning application?



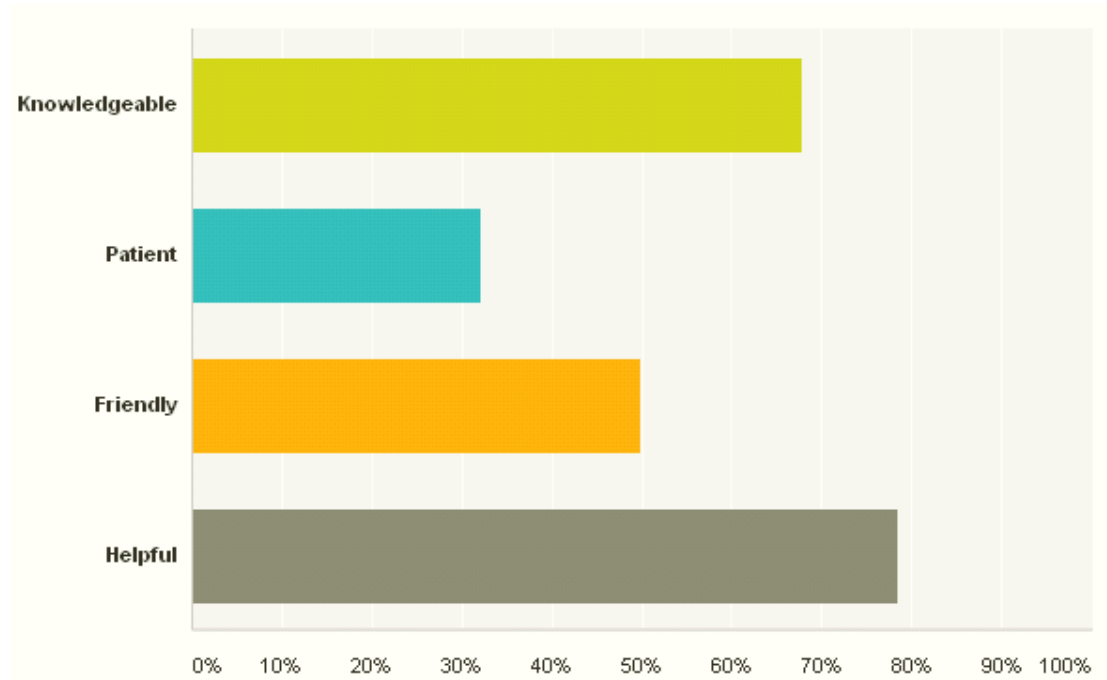
### Question 4

When contacting a member of staff within the Customer Contact Place Team (validation team); was our member of staff:



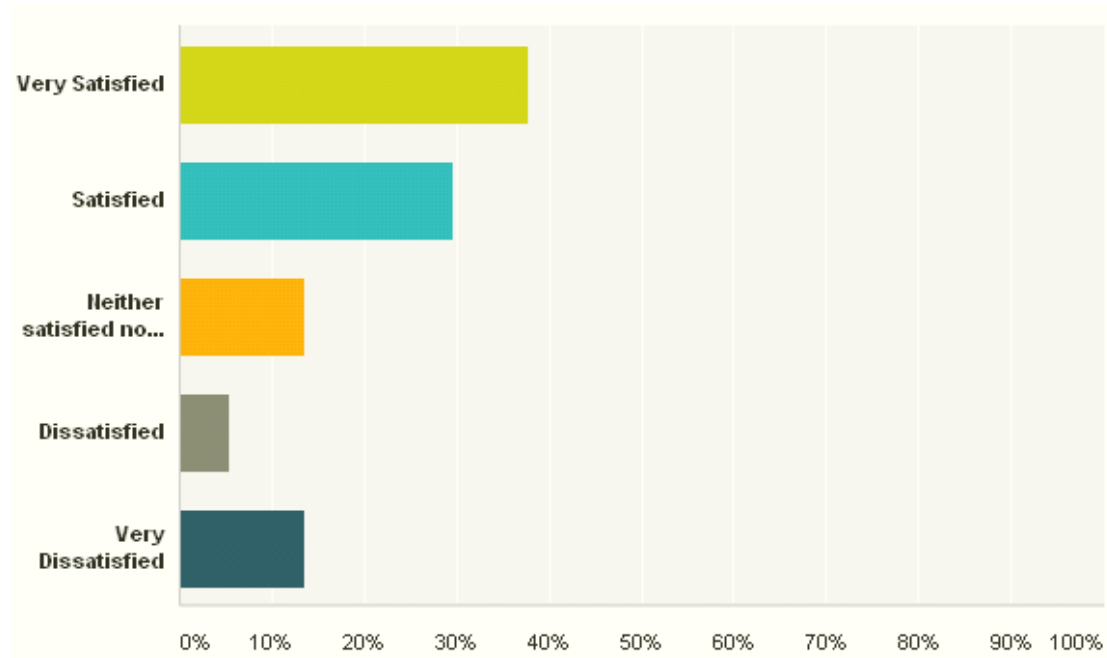
### Question 5

When contacting the Planning Officer dealing with your application; was our member of staff:



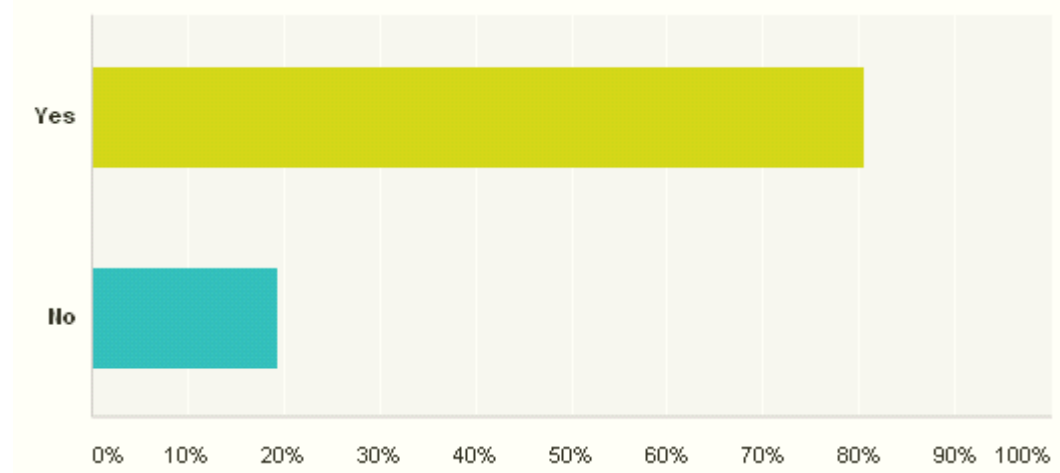
### Question 6

Overall how satisfied were you with the way your planning application was handled?



### Question 7

Do you think you were treated fairly?



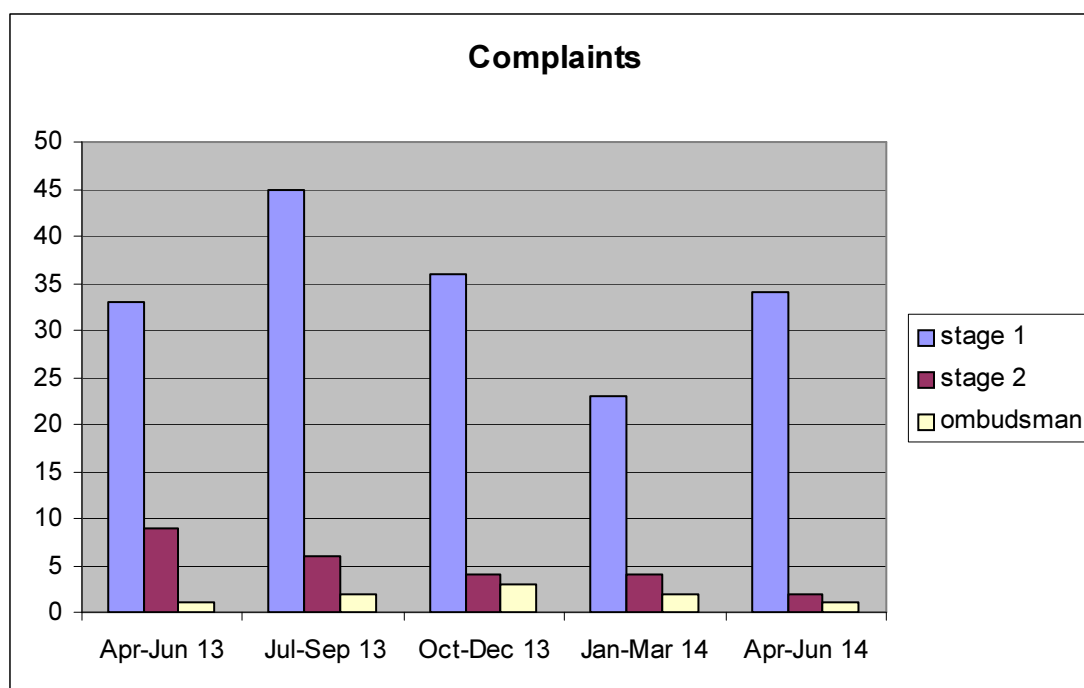
## **Appendix H : Complaints**

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 34 complaints were answered, with 100% being answered within the target time of 10 working days, 2 of which had been escalated to Stage 2. 3 complaints were upheld, 2 due to incorrect advice being provided by Initial Contact and 1 due to a technical fault. 1 complaint was partially upheld as customer should have had pre-application advice.

The Ombudsman closed a complaint, which suggested the council had refused an application without appropriate reason. The LGO advised the complainant should appeal the decision with the Planning Inspectorate.