

PLANNING COMMITTEE
5 NOVEMBER 2014
PERFORMANCE REPORT: 1 JULY TO
30 SEPTEMBER 2014

Report from: Robin Cooper, Director of Regeneration, Community and Culture

Author: Dave Harris, Head of Planning

Summary

This report is presented quarterly to committee informing Members on current Planning performance and the Local Plan.

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 July to 30 September 2014 the authority received 363 planning applications; this is compared to 347 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 33.33% (against a target of 60%) for applications without a PPA or PEA with 66.66% of major applications including ones with a PPA or PEA determined within the agreed timeframe. This compares to 79% during the previous quarter. For the year 2013/14 69.73% of major applications were determined within target.

Performance for minor applications during the quarter is 66.67% (against a target of 65%) for applications without a PEA, with 76% of applications including ones with a PEA determined within the agreed timeframe. This compares to 84% during the previous quarter. For the year 2013/14 79.08% of minor applications were determined within target.

For other planning applications 84% of applications without a PEA were determined (against a target of 80%) with 94% of applications

including ones with a PEA determined within the agreed timeframes. This compares to 94% 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 (April to June 2014), Medway are performing at the national average for major applications and significantly higher for 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 39 Planning Extension Agreements were completed this compares to 35 in the previous quarter. These related to 4 major, 9 minor and 26 other planning applications (see Appendix C).
- 3.4 Six Planning Performance Agreement's (PPA's) have been negotiated during the quarter. These relate to the following sites:
- Land at Chatham Docks
 - Sectors 10, 11/15 and 13 Island Way West, St Marys Island
 - Units 29 and 32 Centurion Close, Gillingham
 - Victory Pier, Phase 4
 - Temple School
 - Southern Water
- 3.5 The percentage of appeals upheld during the quarter is 28%, this compares to 27% of appeals upheld during the same period in 2013. Appeals decided comprise 4 delegated decisions, 2 committee overturned decisions and 1 committee decision in line. No applications have been made for costs. One costs decision has been awarded to the appellant. 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. Following the excellent response for its call for sites, planning officers supported the policy team in a joint approach to site surveys. Following the review of site surveys, mapping and assessment of strategic constraints members will be briefed of the outcome.
- 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.

4. Advice and analysis

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

5. Consultation

- 5.1 Medway Council's planning service has signed up to the Planning Quality Framework supported by the Planning Advisory Service. The Quality Framework is an effective way of ensuring our planning service is well run and well regarded.
- It is a collection of tools and techniques to help us understand how the service is performing;
 - Information can be used to benchmark performance against others and to plan service improvements;
 - Uses real-time data about applications;
 - Uses survey information provided by customers;
 - Is an external badge of quality.
- 5.2 New Planning Policy Guidance was released on 6 October 2014. Two sections were altered:
- One addressing the question as to whether housing and economic needs override constraints on the use of land such as green belt;
 - The other addressing whether local planning authorities have to meet in full housing needs identified in needs assessments
- 5.3 Changes to planning legislation are constantly being introduced. These changes and their implications are discussed with major developers, agents and staff via forums and team meetings. Planning will provide training on 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.

Legislation Updates include:

- From 31 July 2014 the prior notification fee for certain change of uses was increased from £80 to £172;
- From 1 October 2014 appeals for minor commercial applications must be made within 12 weeks of the date of the decision notice.

- 5.4 The CLG has recently consulted on proposals to make permanent temporary changes to permitted development rights, most particularly changes of use of offices, agricultural buildings, and vacant retail premises to residential. Medway Council has responded by supporting the principle of being positive about the appropriate re-use of long term vacant properties and buildings but expressing concern that making such developments permitted development is not the best way forward as this could result in the loss of good employment provision, residential uses not adhering to Medway housing design standards, poor amenity for potential occupiers and detriment to Town Centres. Medway feel that such proposals would be better going through the formal planning application process where such issues can be properly considered but with guidance from CLG encouraging positivity in dealing with proposals for long term vacant premises which would then be a material consideration in determining applications and appeals.
- 5.5 Liaison with major house builders within Medway and the Planning Service 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 £5,481 has been received via S106 contributions. As encouraged by CLG Medway Council continues to meet with developers to work with them to ensure developments with planning permission start on site and developments continue. This includes considering appropriate amendments to developments and viability assessments. CLG have brought in the possibility of the submission of applications to vary/remove S106's which maybe a financial obstacle to developments. As yet Medway have not had any such applications submitted, partly because of the pro active stance it has taken in terms of positive discussions with developers.
- 5.6 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 planning agents has been arranged for the end of October.
- 5.7 The authority is engaging with developers and members regarding some of the sites identified during the call for sites exercise.
- 5.8 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.

- 5.9 Development Management continue to carry out 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). This survey will cease once the surveys as part of the Planning Quality Framework are up and running.

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.
- 6.6 In negotiating Planning Performance agreements, the Head of Planning and Planning Managers will try to negotiate backfilling payments with developers, which enable the developer to get an enhanced service and also enable Medway Council to use the payments to bring in additional staff to deal with the greater workload demands.

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 £291,910 compared to £161,880 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

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 Sept 2014*

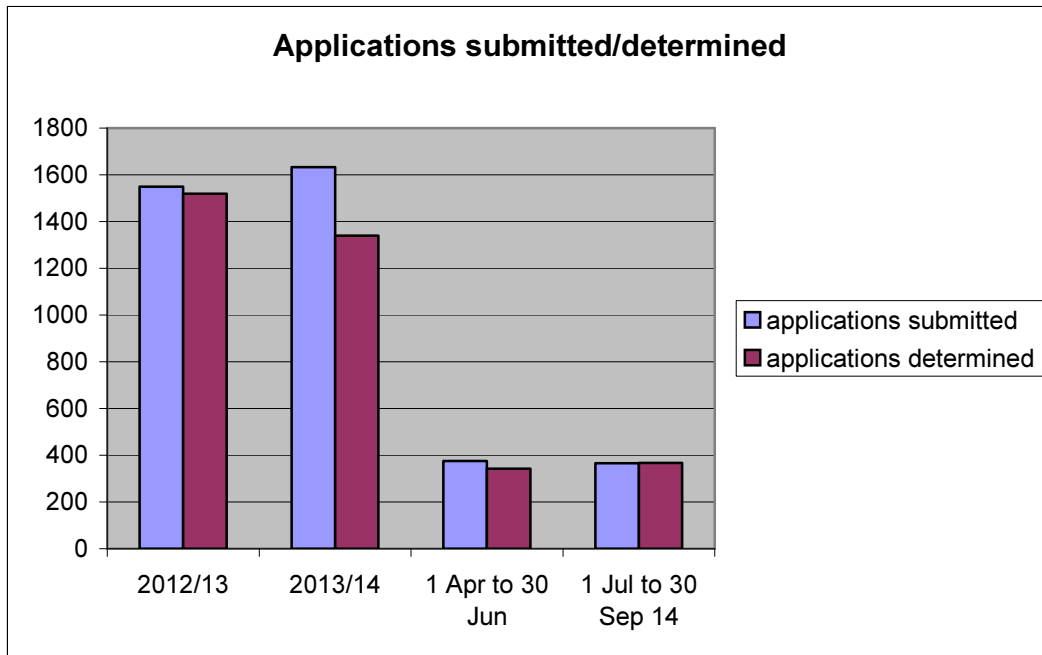


Figure 2 **Percentage of “Major” applications determined against performance target July 2013 to September 2014**
(from July 2014 data is split to show performance with and without the use of planning extension agreements and planning performance agreements)

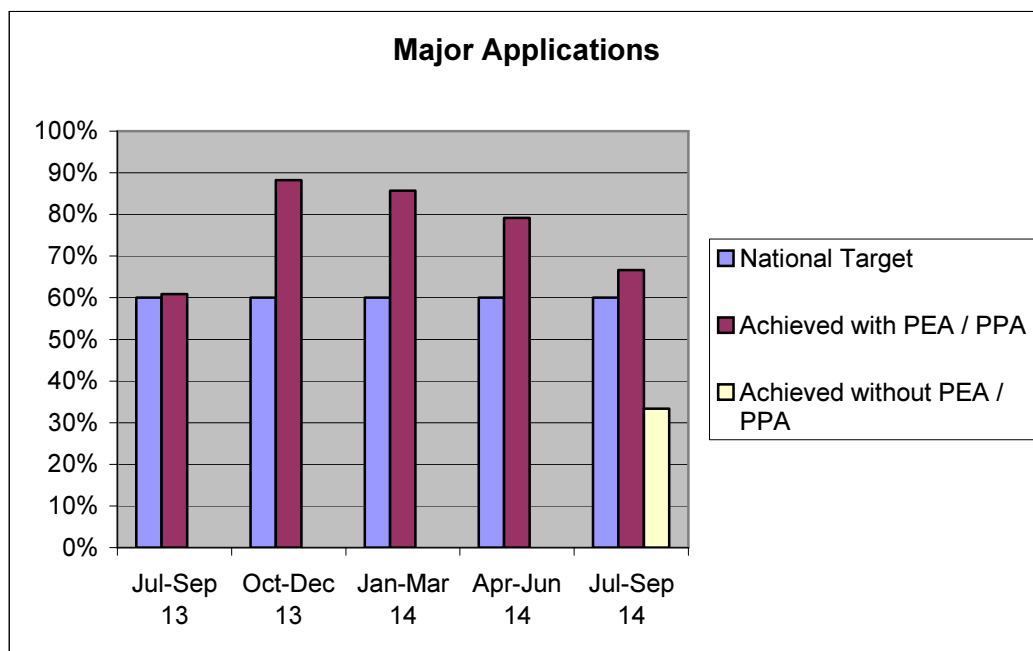


Figure 3 Percentage of “Minor” applications determined against performance target July 2013 to September 2014
(from July 2014 data is split to show performance with and without the use of planning extension agreements and planning performance agreements)

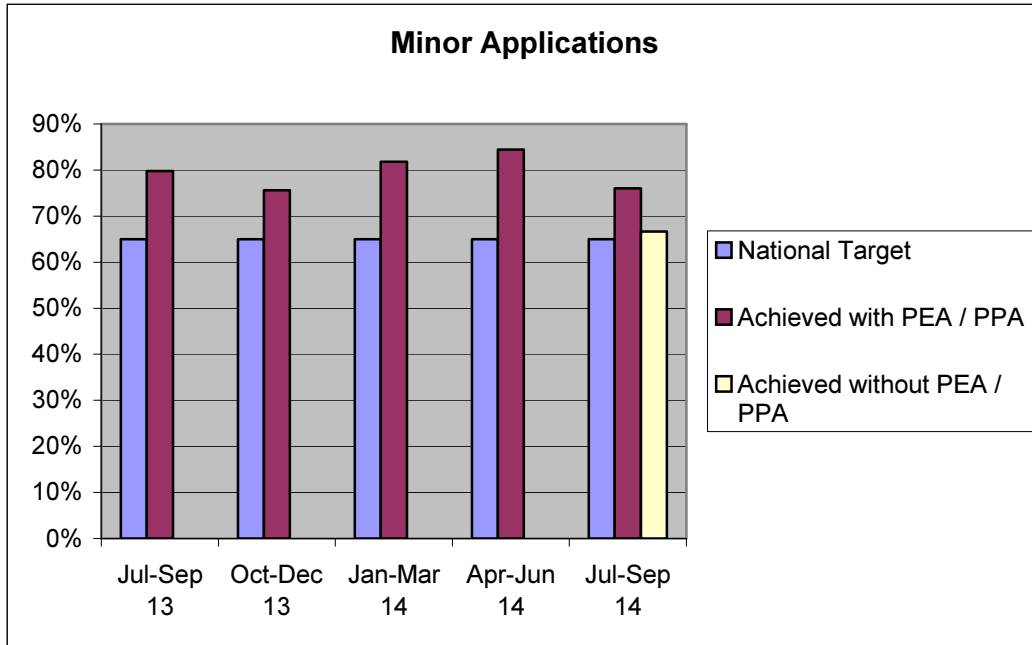


Figure 4 Percentage of “Other” applications determined against performance target July 2013 to September 2014
(from July 2014 data is split to show performance with and without the use of planning extension agreements and planning performance agreements)

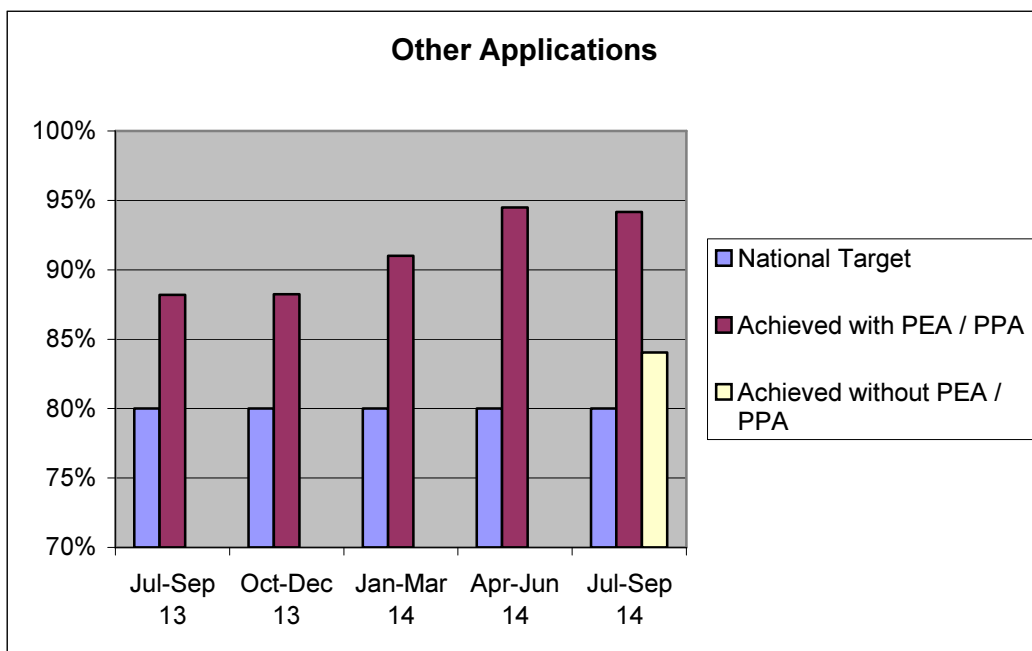


Figure 5 Planning application fees received showing 2011/12, 2012/13, 2013/14 and April to June 2014

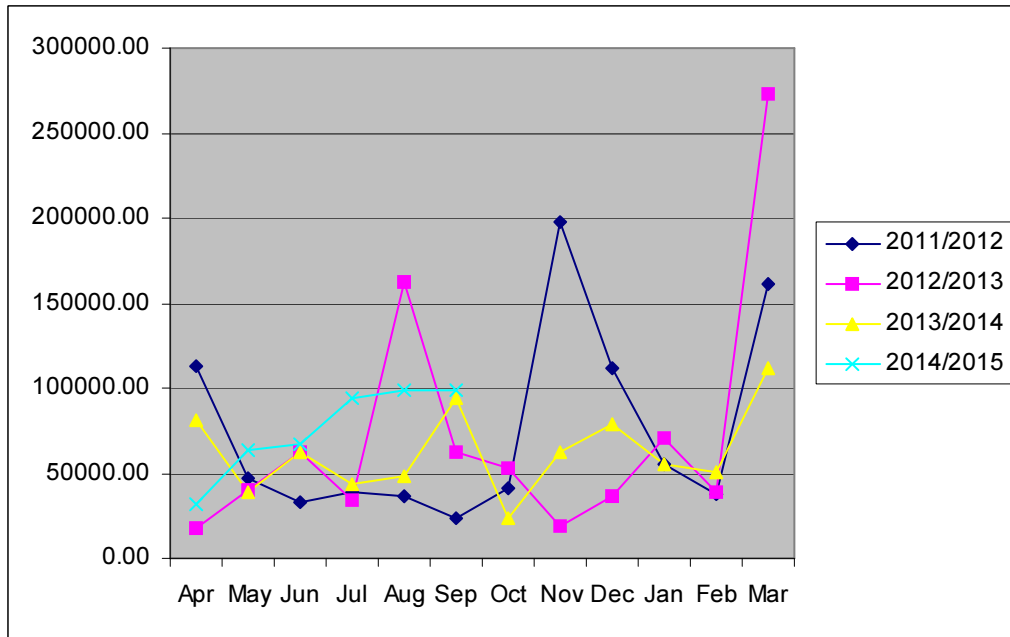
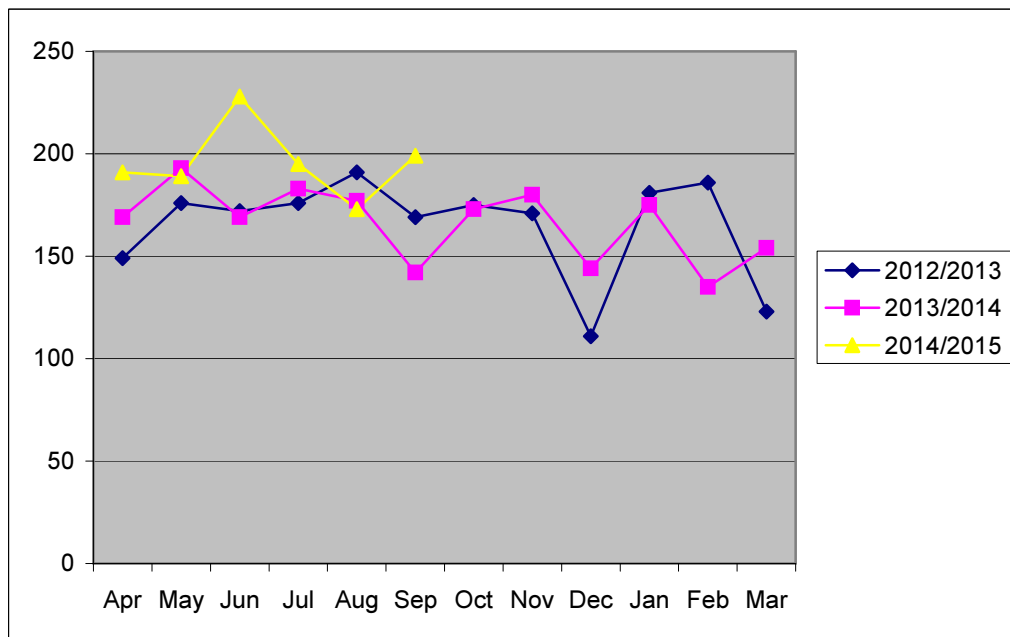
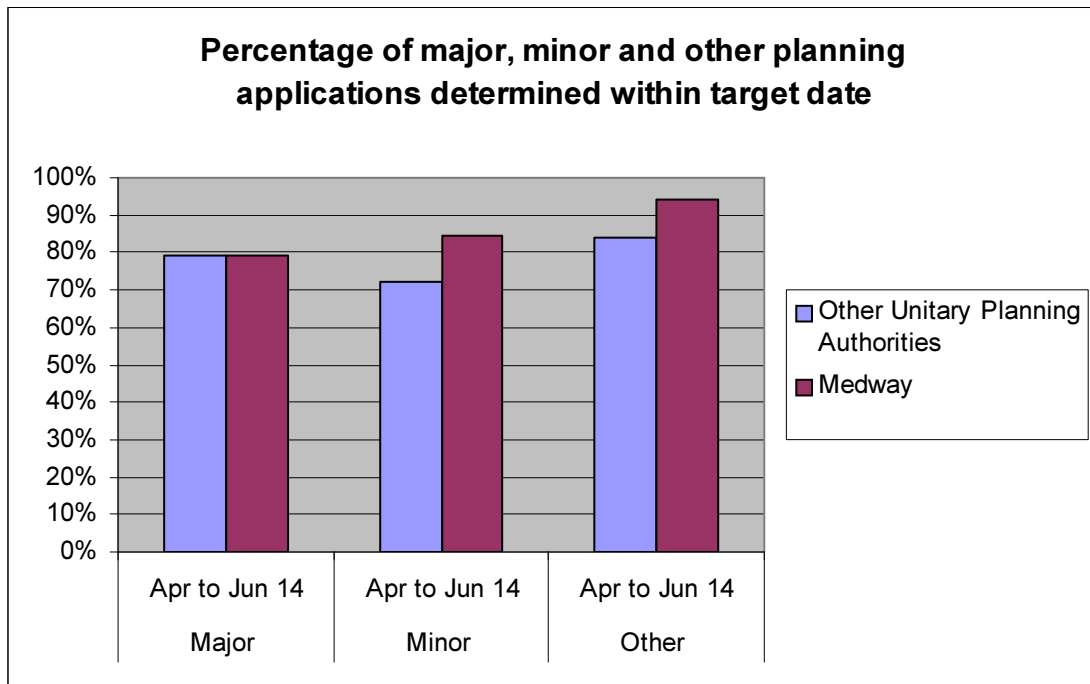


Figure 6 Planning Applications received showing 2011/12, 2012/13, 2013/14 and April to September 2014



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 April to June 2014.



Appendix C : Performance Agreements and Extension of Time

Figure 1

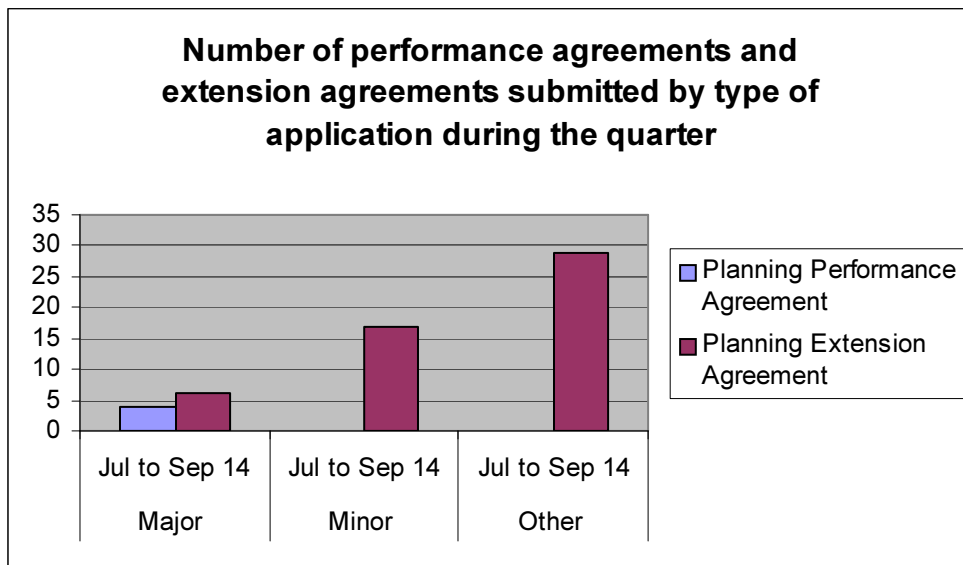
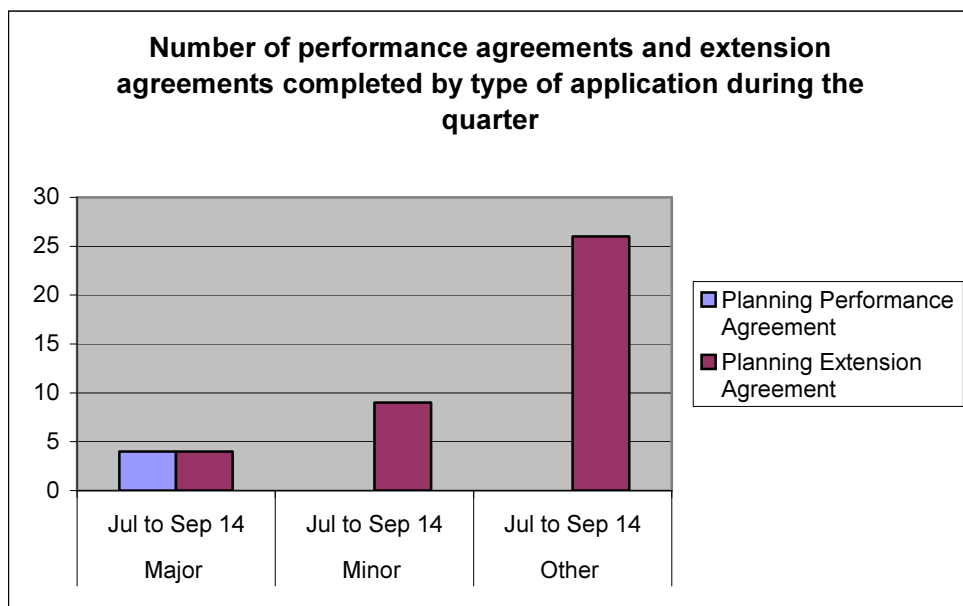


Figure 2



Appendix D : Appeals

Figure 1 *Number of appeals received April 2013 to September 2014*

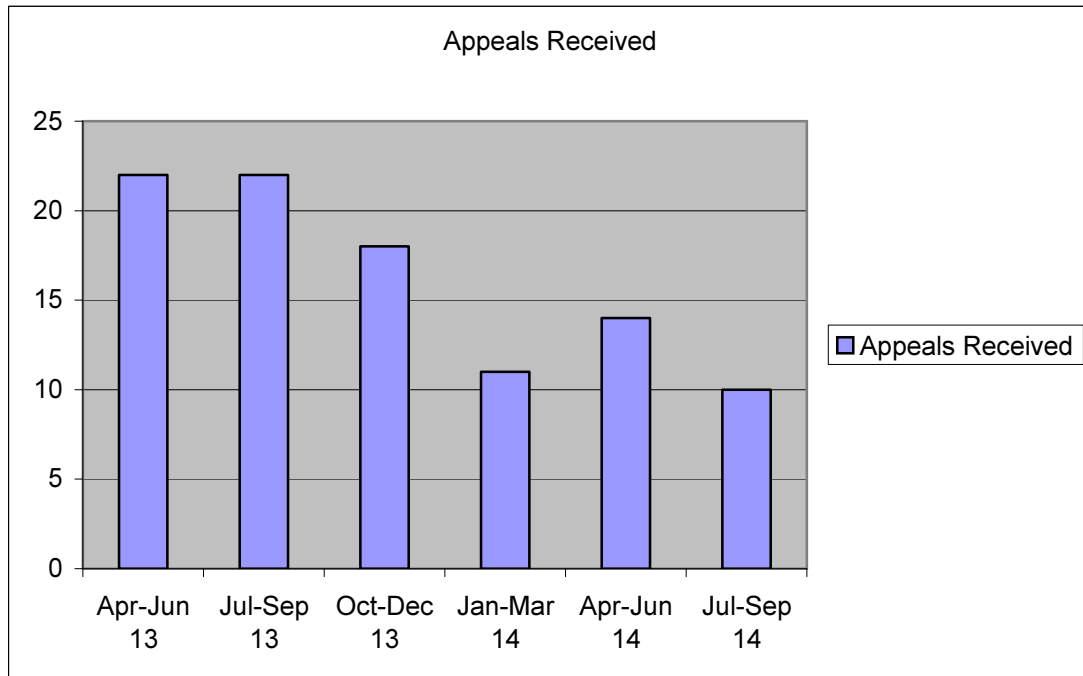
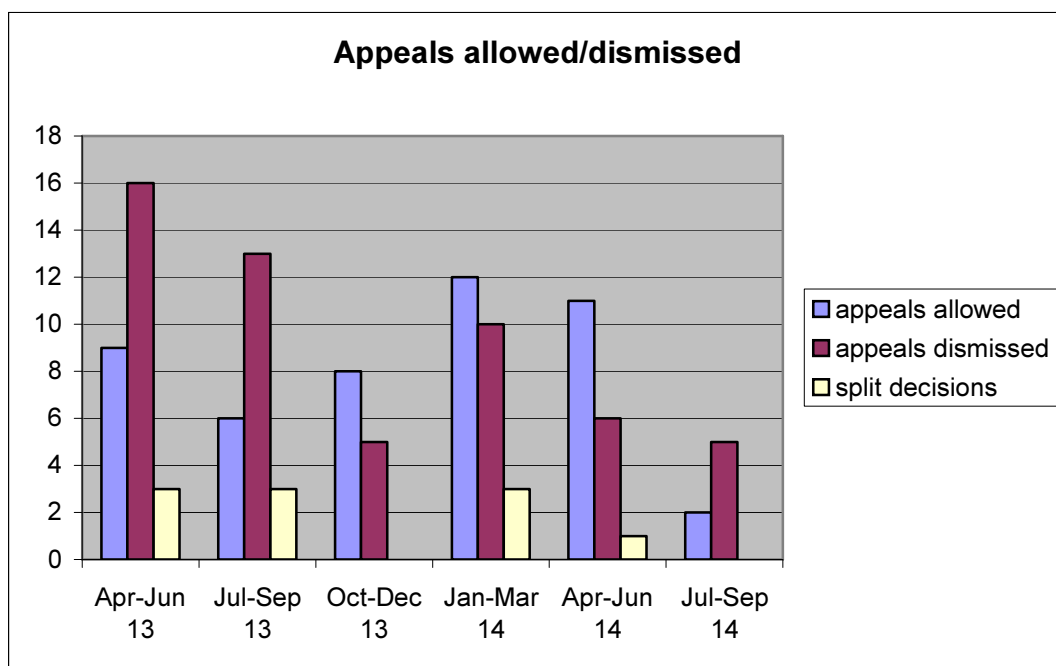
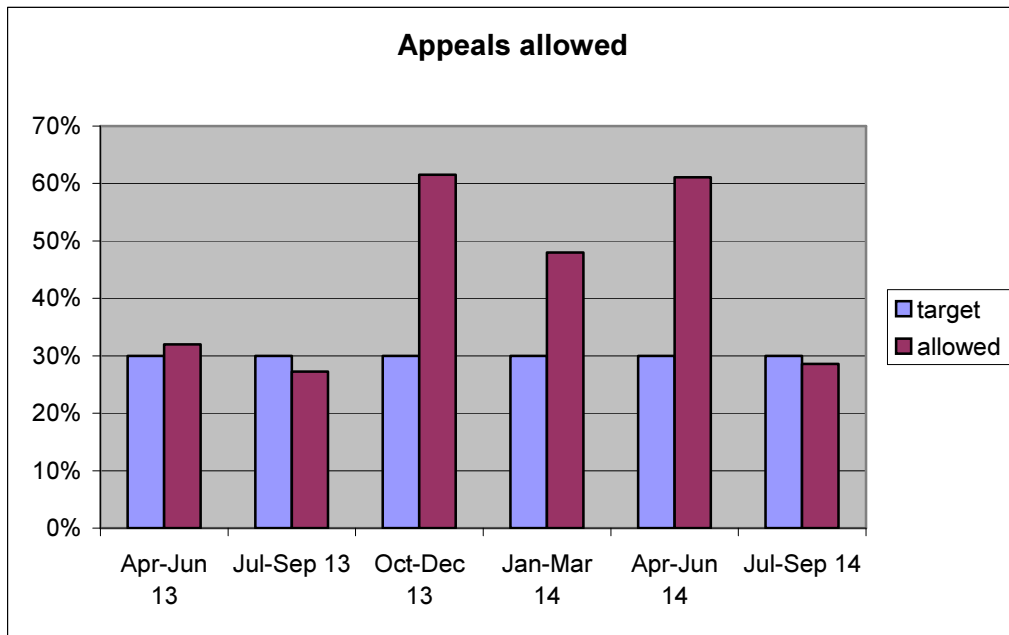


Figure 2 *Number of Appeals allowed / dismissed April 2013 to September 2014*



**Figure 3 : Percentage of appeals allowed against target of 30%
April 2013 to September 2014**



Appendix E : Enforcement

Figure 1 *Number of enforcement notices served and prosecutions July 2013 to September 2014*

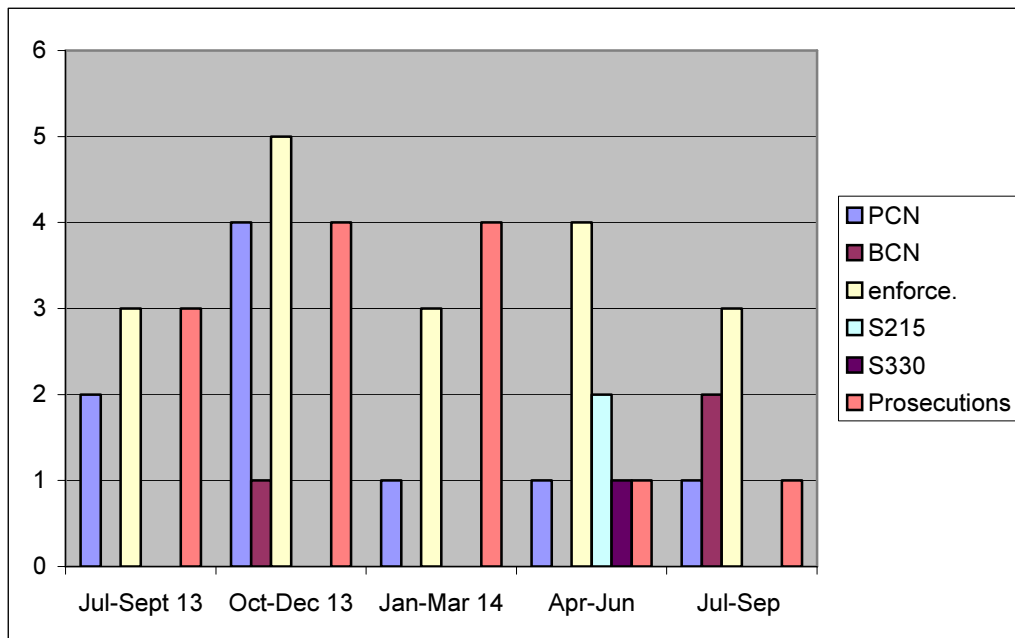
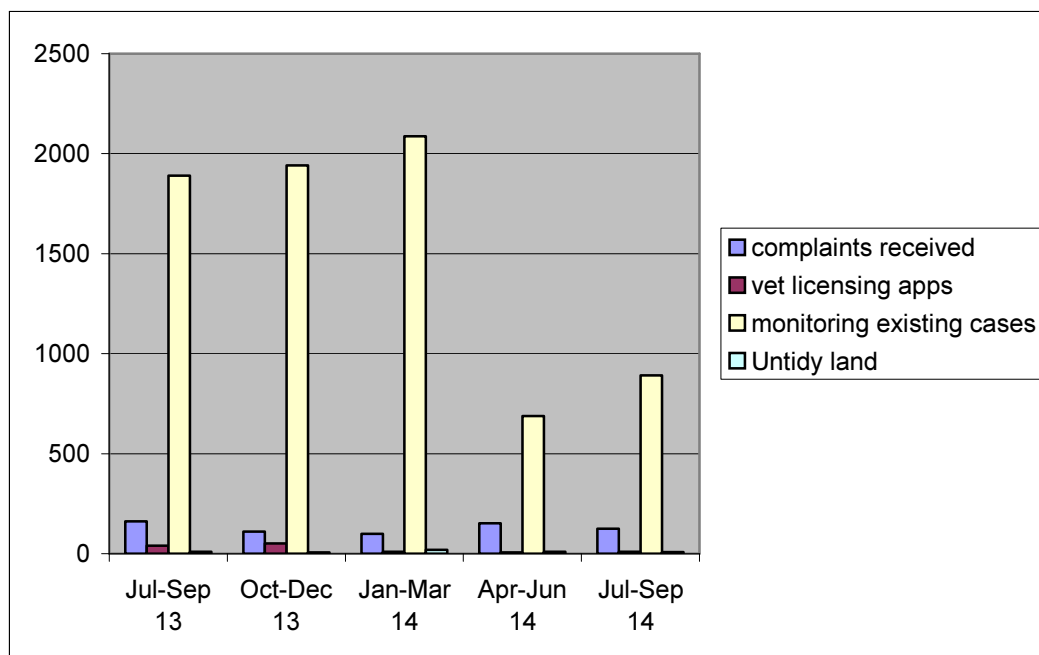


Figure 2 *Number of enforcement related complaints and activities July 2013 to September 2014*



Appendix F : Tree Preservation Order Applications

Figure 1 : TPO applications received from October 2013 to September 2014

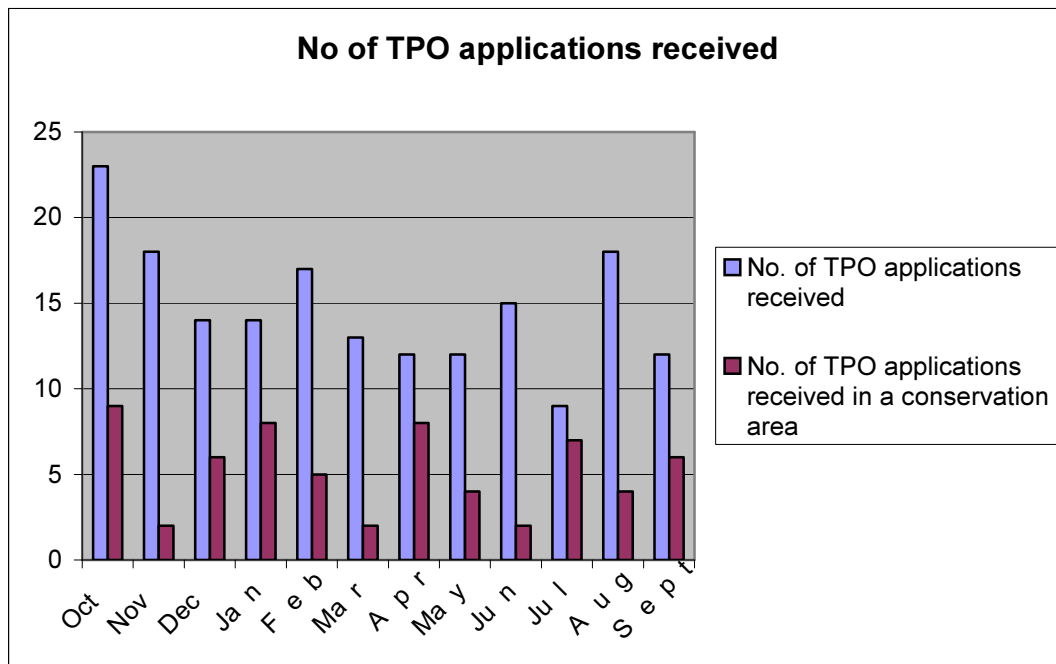
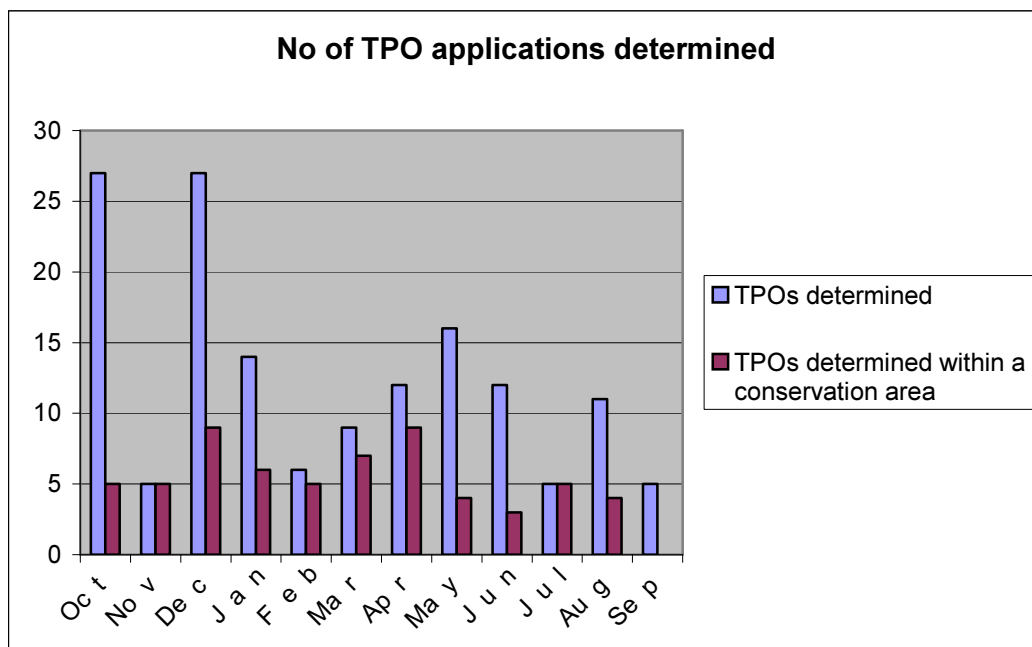


Figure 2 : TPO applications determined from October 2013 to September 2014

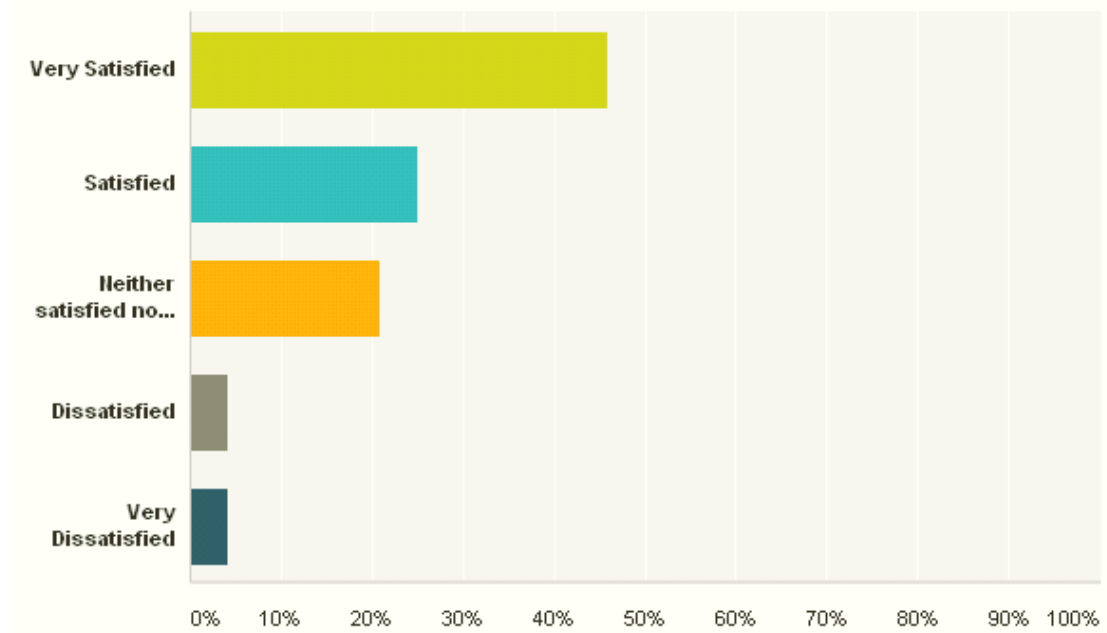


Appendix G

Development Management Customer Satisfaction Survey Results

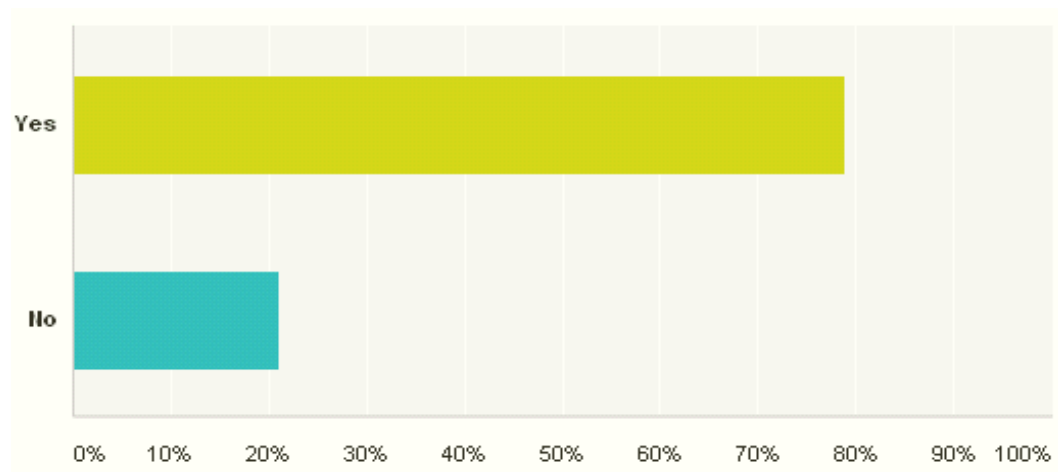
Question 1

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



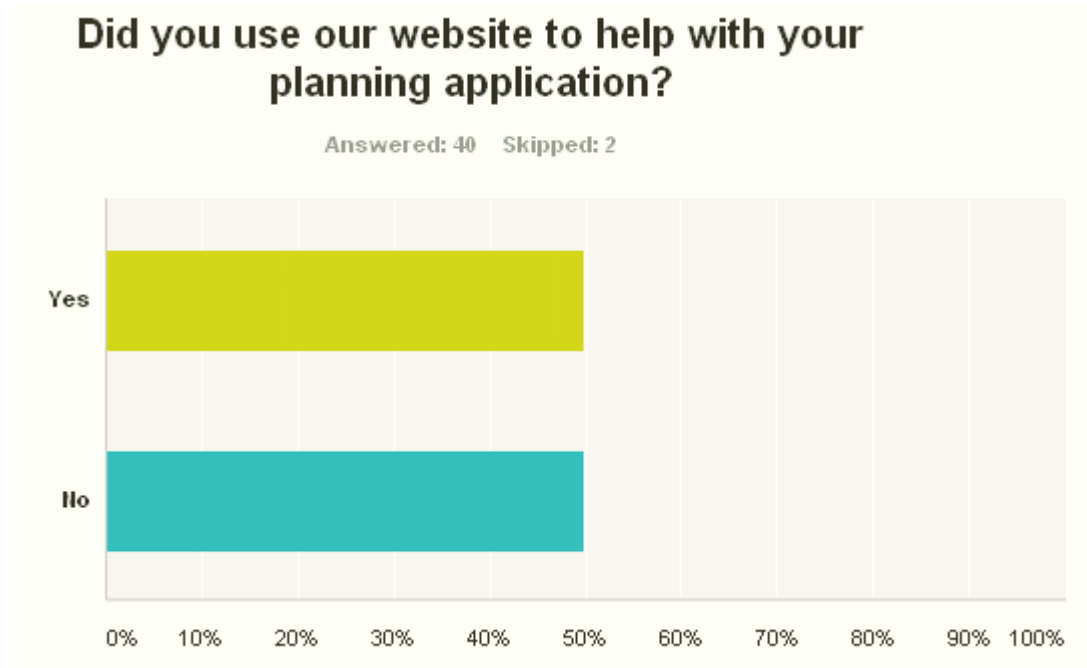
Question 2

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



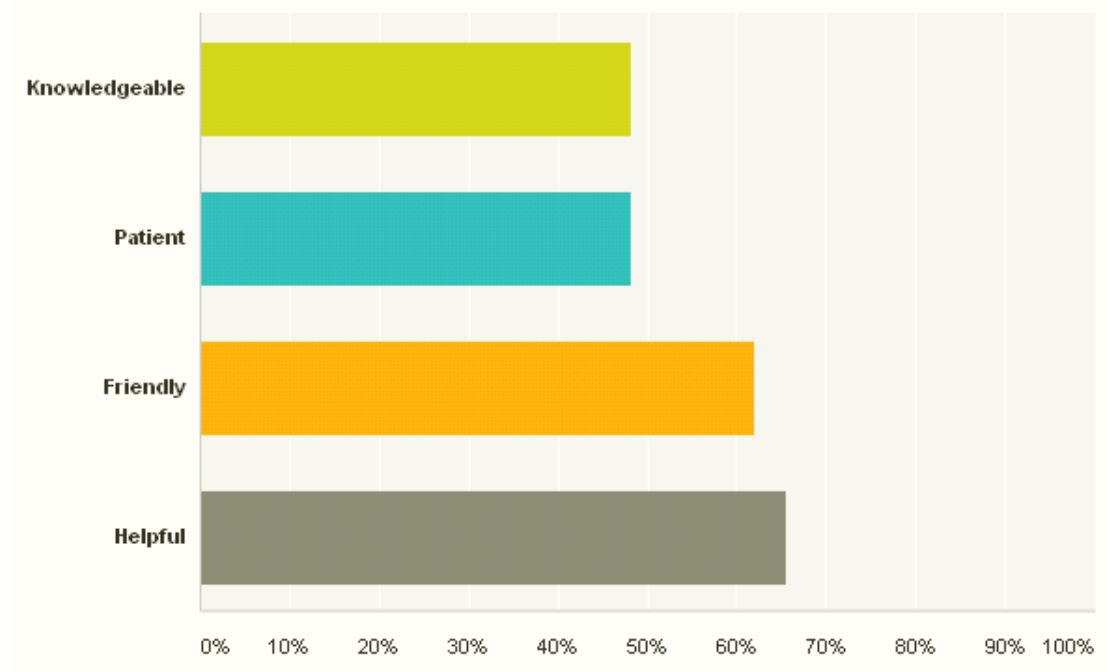
Question 3

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



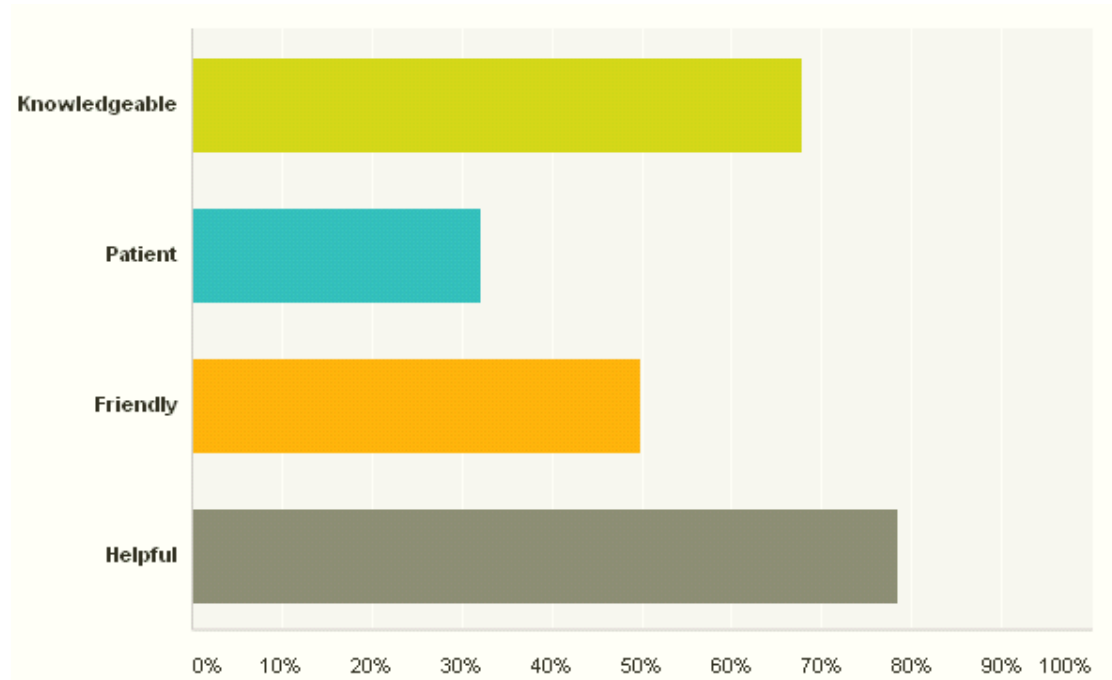
Question 4

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



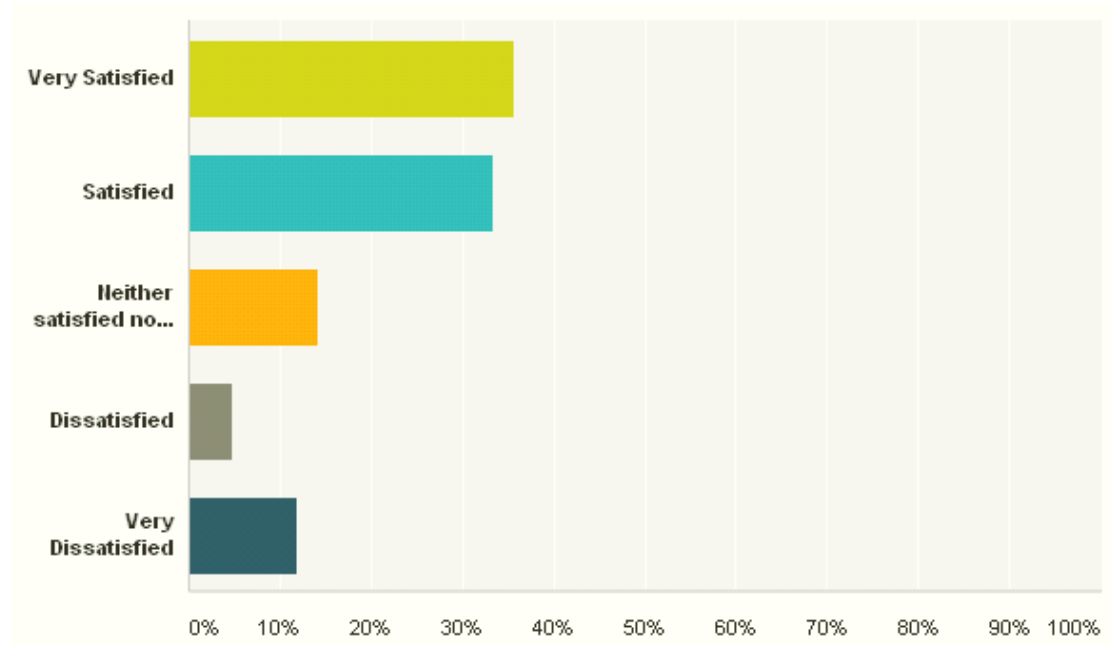
Question 5

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



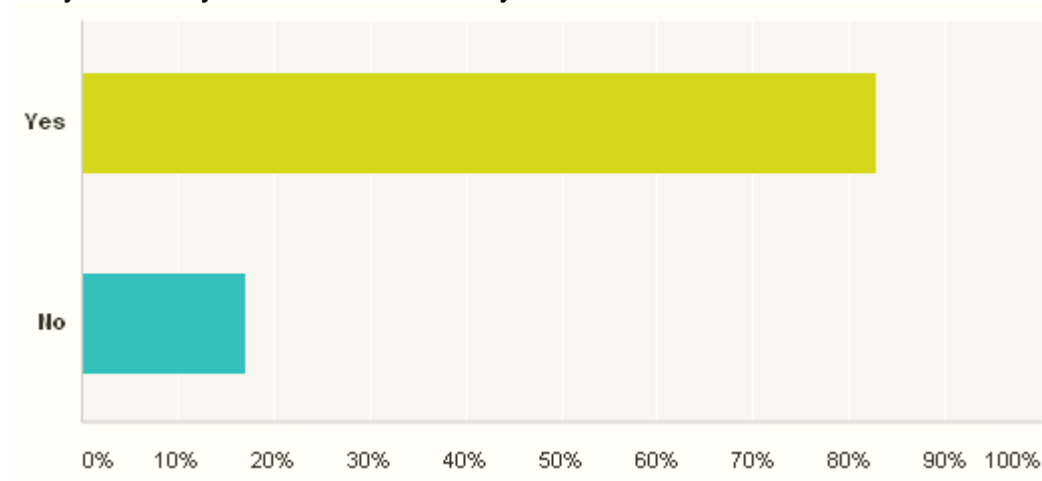
Question 6

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



Question 7

Do you think you were treated fairly?



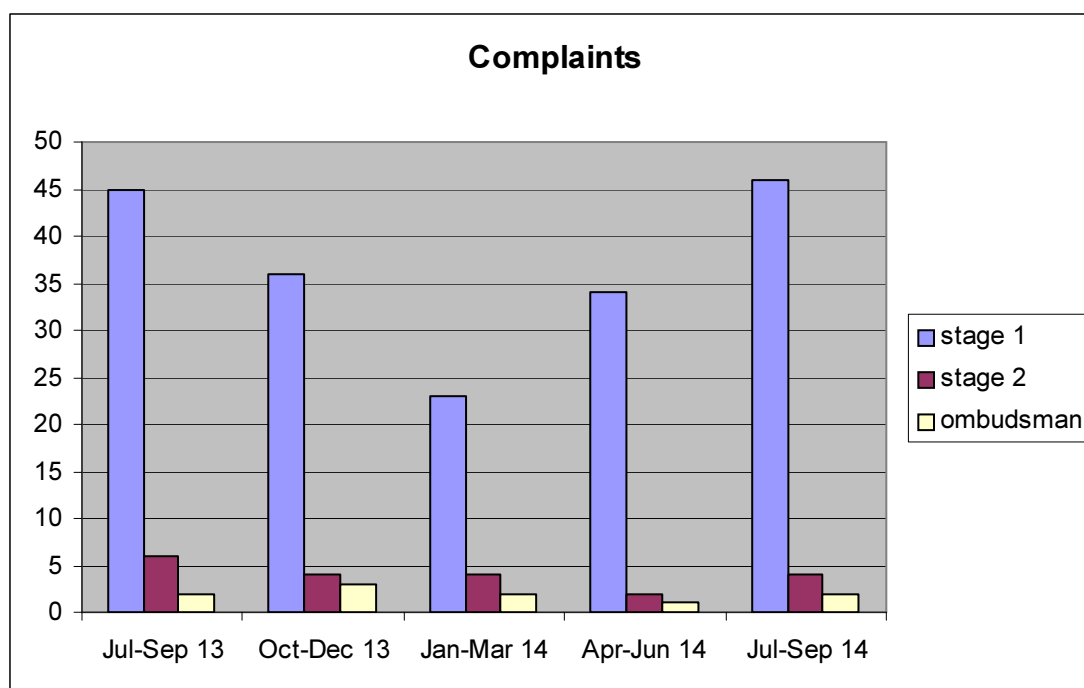
Appendix H : Complaints

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 52 complaints were answered, with 94.23% being answered within the target time of 10 working days, 4 of which had been escalated to Stage 2. 1 complaint was upheld due to business email address within a letter of representation being published on line. The process has been changed to ensure this does not happen again. 1 complaint was partially upheld due to an unreasonable delay in issuing decision.

The Ombudsman closed a complaint relating to letters hand delivered to Strood Contact Point not reaching the planning service. The Council had apologised and the LGO considered the complainant had not suffered a significant injustice.