

PLANNING COMMITTEE

29 APRIL 2015

PERFORMANCE REPORT: 1 JANUARY 2015 TO 31 MARCH 2015

Report from: Robin Cooper, Regeneration, Community and Culture

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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 an appropriate 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 any

extensions must be agreed between the parties and include a clear end date. Applications not subject to extensions of time are reported separately to those applications subject to extensions of time within the NI157 submission.

- 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 Growth and Infrastructure Act 2013 inserted new sections 62A and 62B into the Town and Country Planning Act 1990. Section 62A provides that certain planning applications can be made directly to the Secretary of State for Communities and Local Government, where the local planning authority for the area has been “designated” by the Secretary of State. A local planning authority can be “designated” only if the Secretary of State considers that there are respects in which the authority is not adequately determining applications. DCLG have published guidance entitled “Improving Planning Performance – criteria for designation” setting out the criteria they will apply when deciding whether or not to “designate” a local planning authority for this purpose. If the stipulated targets are not met, this 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 40% of major applications within the statutory timescale. This has just been increased from 30% following consultation over changes to the present regime, with scope for further increases in the future. It is felt that raising the threshold to 40% will help to encourage continued improvements in performance. 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.
- 2.5 As part of the Government’s commitment to streamline the planning application process, a newly consolidated Development Management Procedure Order came into force on 15 April 2015. The new order brings into force measures to improve the process of statutory consultation and introduces a new ‘deemed discharge’ of conditions to ensure that planning conditions are cleared promptly so that homes and other development granted planning permission can start on site without delay.

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 January to 31 March 2015 the authority received 394 planning applications; this is compared to 342 for the same period in 2014. For the year 2014/15 the authority received 1523 applications, this compares to 1413 in 2013/14.

Performance for applications is split between those subject to an extension of time and those not. An extension of time can be in the form of a Planning Performance Agreement (PPA) or a Planning Extension Agreement (PEA).

Performance for major applications **not** subject to an extension of time during the quarter is 75%. Applications subject to an extension of time is 66.67%. This is against a target of 60%.

Performance for minor applications **not** subject to an extension of time during the quarter is 87.67%. Applications subject to an extension of time is 100%. This is against a target of 65%.

Performance for other applications **not** subject to an extension of time during the quarter is 96.70%. Applications subject to an extension of time is 100%. This is against a target of 80%.

Appendix A, figure 2, 3 and 4 shows performance against target (including those not subject and those subject to an extension of time) for majors, minor and other applications for the year.

Comparing performance against the latest data available nationally (October to December 2014), Medway performed slightly above the national average for major applications. Performance for minor and other applications is significantly higher than the national average (see Appendix B).

Pressure on officer resources has been carefully managed in order to meet national performance targets. However, this is not sustainable and applications that have exceeded their statutory expiry date will need to be determined over the coming quarter. This will subsequently result in a drop in performance.

- 3.3 During the quarter 31 Planning Extension Agreements were completed this compares to 43 in the previous quarter. These related to 6 major, 14 minor and 11 other planning applications (see Appendix C).
- 3.4 One Planning Performance Agreement (PPA) has been negotiated during the quarter. This relates to the Victory Pier development.
- 3.5 The percentage of appeals upheld during the quarter is 18%, this compares to 48% of appeals upheld during the same period in 2013 and 10% for the last quarter. Appeals decided comprise 6 delegated decisions, 2 committee decisions in line with officer recommendation and 3 committee overturned to refusal. There were no applications for costs (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 is continuing and Development Management are supporting the policy team in this process. Alongside the detailed assessment of the suitability of sites across Medway for development, the team are also carrying out a review of urban and village boundaries.
- 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 Following an assessment day in December 2014, Development Management has successfully retained its ISO 9001:2008 accreditation for another six months. The next external assessment is scheduled to take place in June 2015.

ISO 9001 provides a set of requirements to operate a quality management system and represents international best practice for managing quality. It is built around eight management principles that guide and inform everything in it. They are:

- Customer Focus
- Leadership
- Involvement of People
- Process Approach
- System Approach to Management
- Continual Improvement
- Factual Approach to Decision Making
- Mutually beneficial supplier relationship

Over the next twelve months it is intended that the scope of the ISO accreditation be extended to include processes undertaken by Planning Policy.

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 a national project organised by the Planning Advisory Service to improve the way Council Planning departments work.

Currently, Medway's planning service performance is judged against targets requiring councils to issue decisions on most applications within 8 or 13 weeks depending on the type/scale of development. While focusing on these targets, opportunities are often missed to improve the customer experience, create more consistency and avoid duplication and waste.

The Quality Framework is a quick, inexpensive and effective way of ensuring our development management service is well run and well regarded. It is a collection of tools and techniques to help us understand how our Planning service is performing. This information can be used to benchmark performance against others and/or to plan service improvements.

The Framework focuses councils on the things that matter to customers. It uses real-time data about planning applications and survey information provided by people that use the planning process. It allows councils to build a more rounded picture of performance and quality.

Planning Agents have been briefed on the Framework, which asks them to complete a short survey following the issuing of the decision notice. The idea is to record their views specific to the case in hand without any 'bias' from previous experiences. Responses are treated as confidential and are submitted directly to PAS. The survey does not allow results that may identify the agent individually and the results should be published during the next quarter. The Framework also includes an internal review of individual cases.

45 Councils have now joined the group, including the AGMA (Manchester) group of councils and another 15 councils are working on finalising data in order to join the group. Medway has chosen its comparator authorities and PAS are aiming to produce the first report shortly. This will enable us to compare ourselves with our peers, the best and a custom set of Councils.

- 5.2 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.
- 5.3 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 £447,555 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 that may be a financial obstacle to developments. Medway has received its first such application in relation to J5/J6 on Chatham Maritime.
- 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. The next forum with Major Developers will be scheduled to take place after the general election and the next Agents meeting will take place in the autumn.
- 5.5 The authority is engaging with developers and members regarding some of the sites identified during the call for sites exercise.

6. Risk Management

- 6.1 The risk register for the service 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.
- 7.2 Planning income during the quarter is £355,098 compared to £396,914 in the previous quarter. Total income for the year 2014/15 is £1,224,303. Total income for the year 2013/14 was £800,440. 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.

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Background papers

General Development Control Return PS1
General Development Control Return PS2

Appendix A : Applications

Figure 1 *Number of applications received and determined 2012/13 to 2014/15*

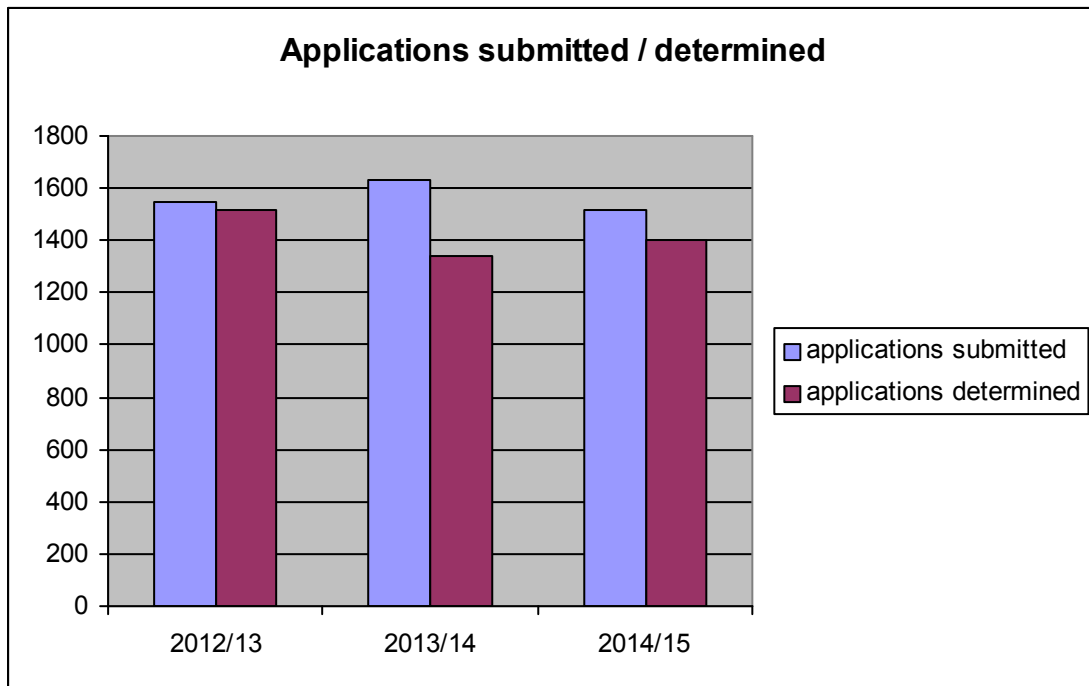


Figure 2 **Percentage of “Major” applications determined against performance target January 2014 to March 2015**
(from July 2014 data is split to show performance with and without the use of planning extension agreements and planning performance agreements)

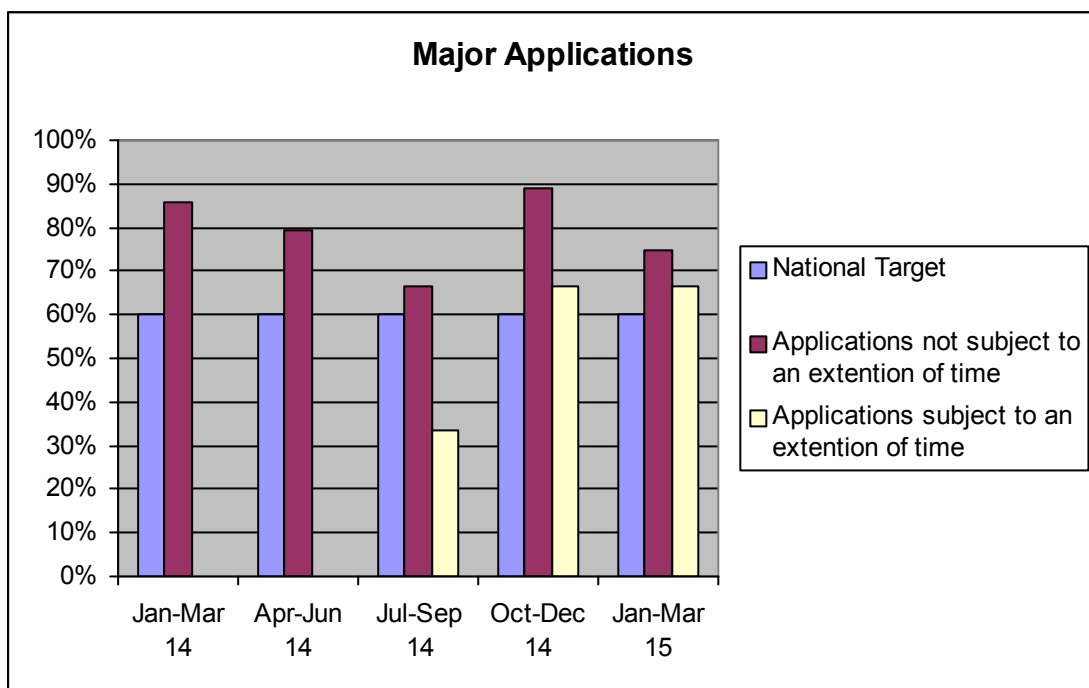


Figure 3 Percentage of “Minor” applications determined against performance target January 2014 to March 2015
(from July 2014 data is split to show performance with and without the use of planning extension agreements and planning performance agreements)

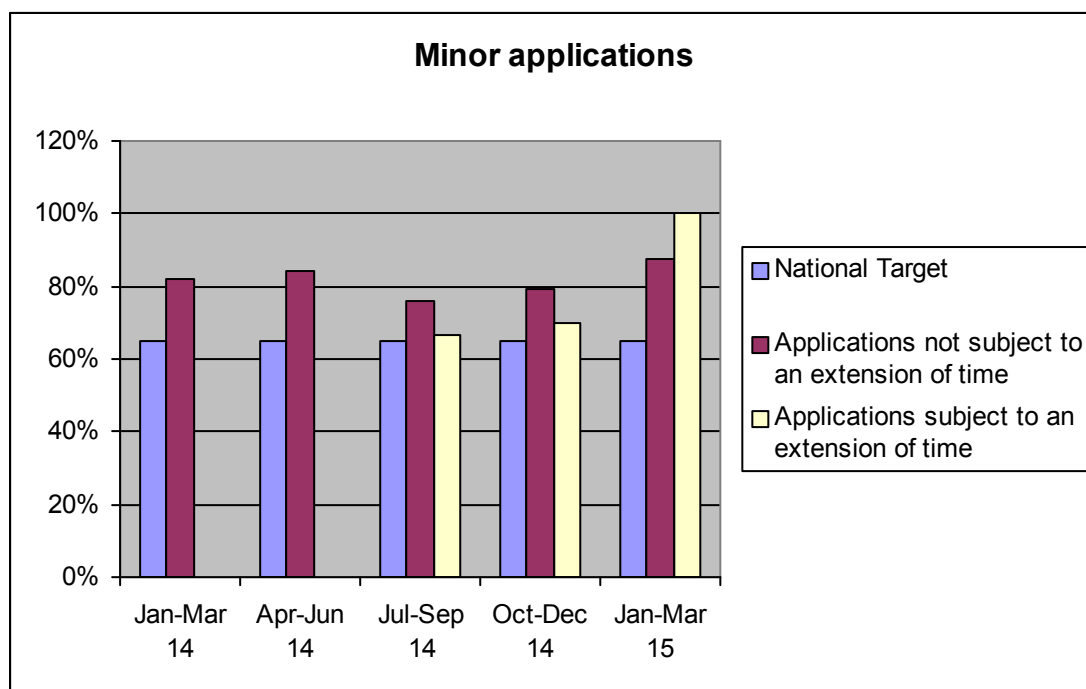


Figure 4 Percentage of “Other” applications determined against performance target January 2014 to March 2015
(from July 2014 data is split to show performance with and without the use of planning extension agreements and planning performance agreements)

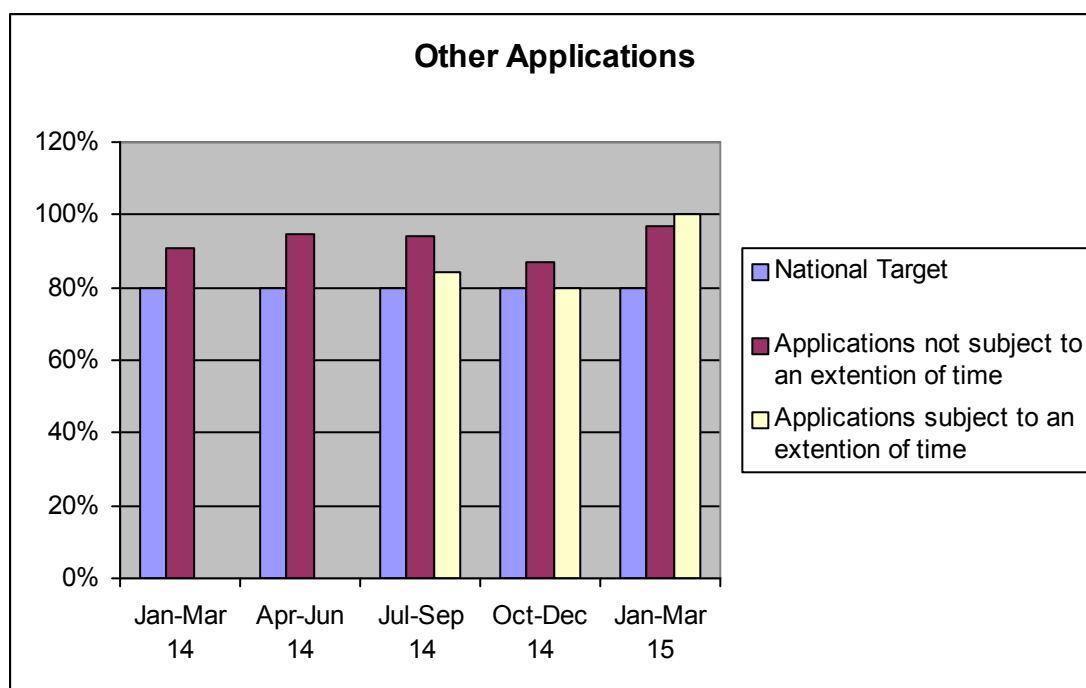


Figure 5 Planning application fees received showing 2012/13, 2013/14 and 2014/15

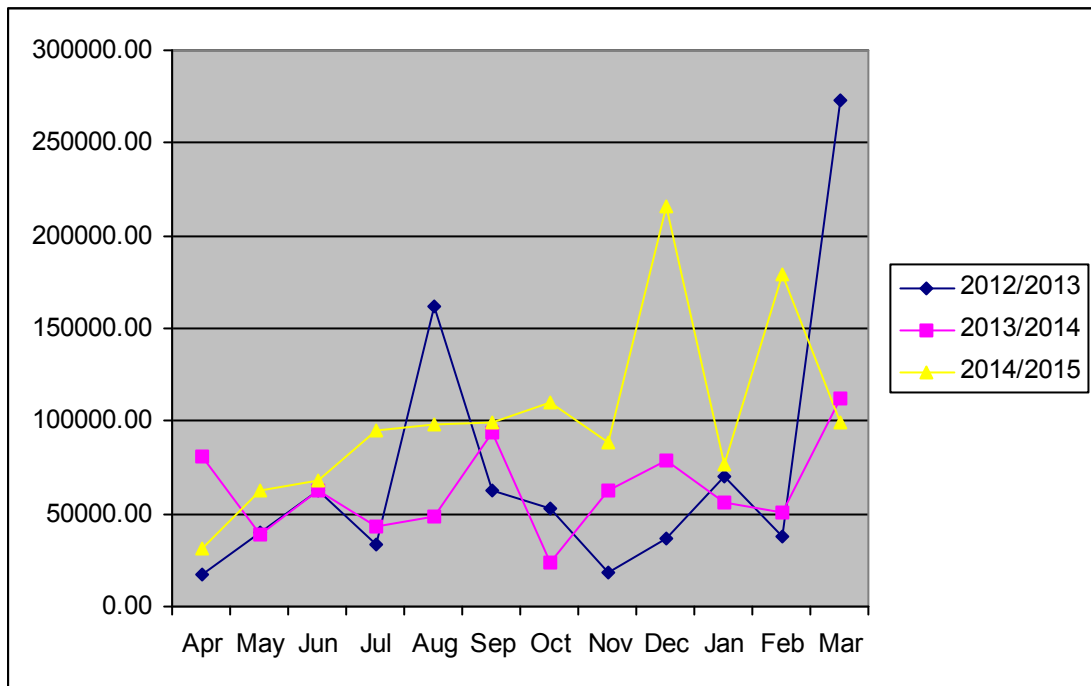
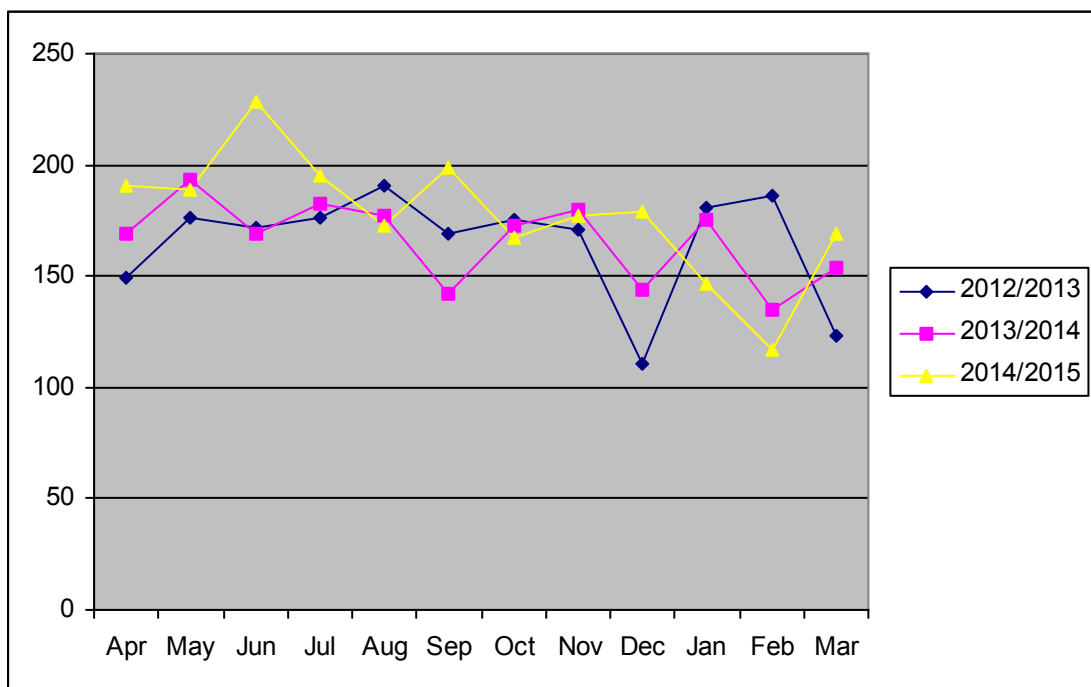
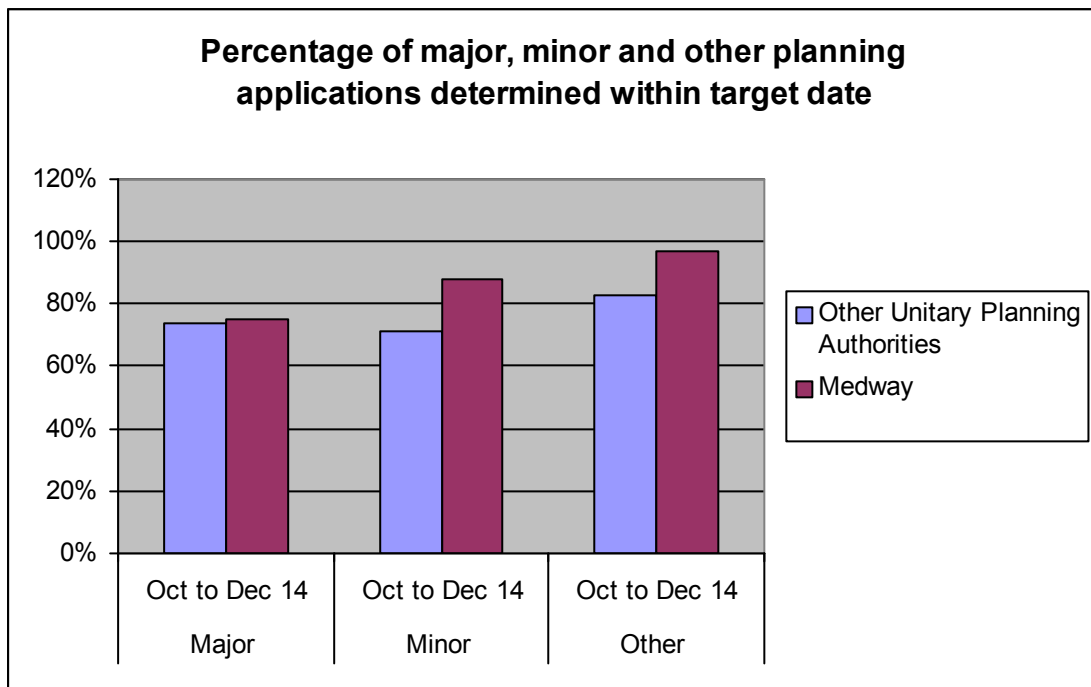


Figure 6 Planning Applications received showing 2012/13, 2013/14 and 2014/15



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 October to December 2014.



Appendix C : Performance Agreements and Extension of Time

Figure 1

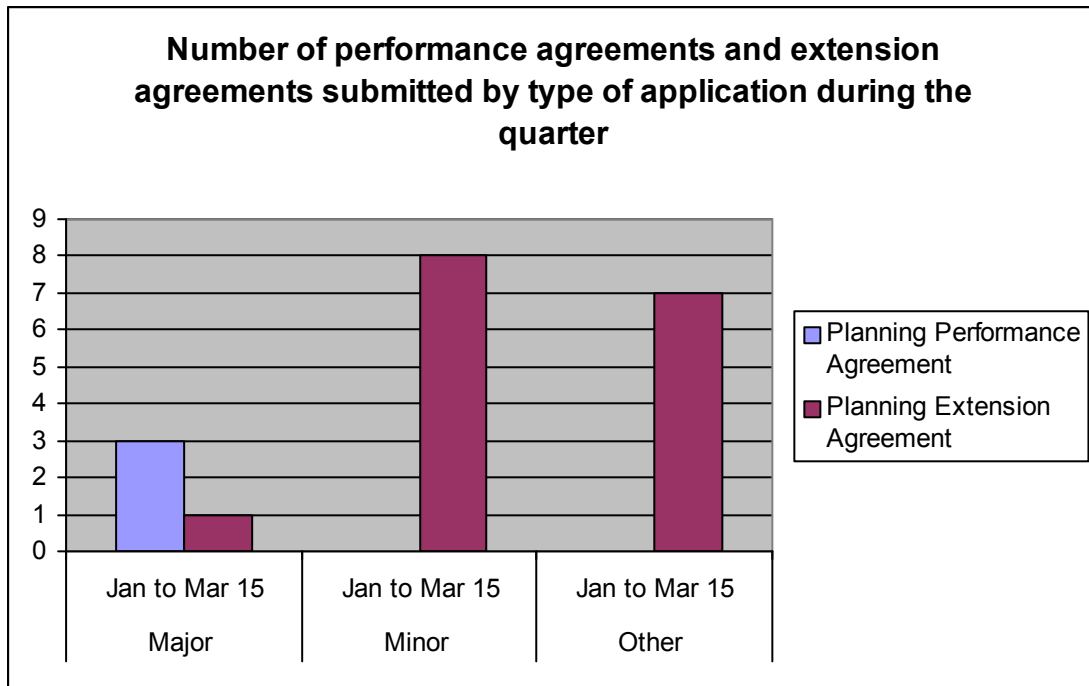
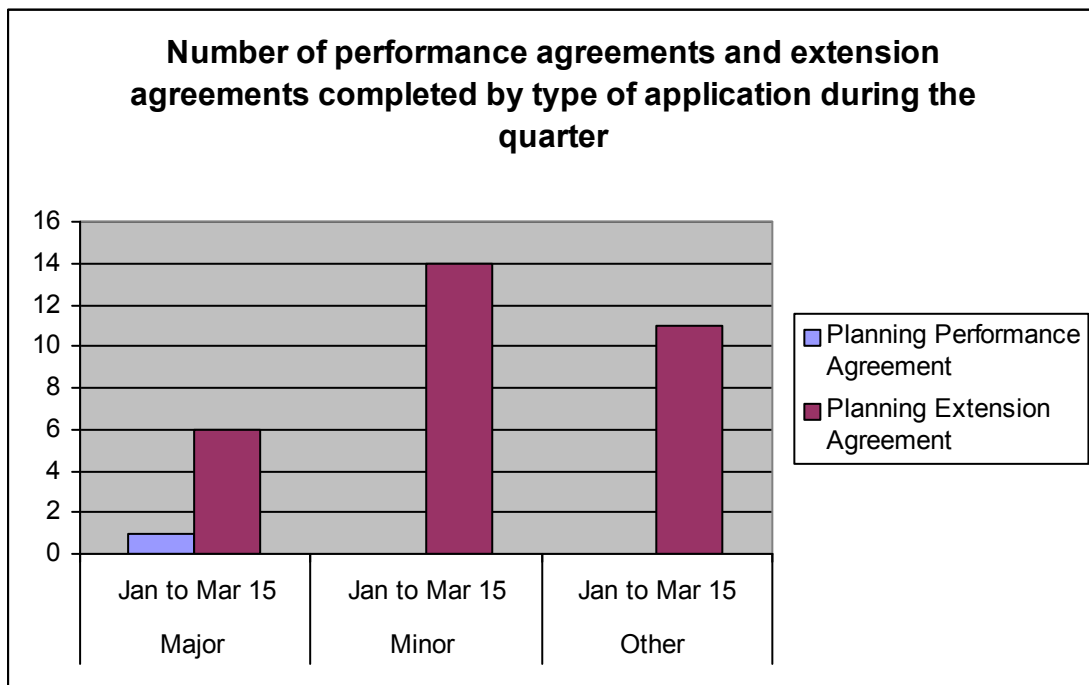


Figure 2



Appendix D : Appeals

Figure 1 *Number of appeals received October 2013 to March 2015*

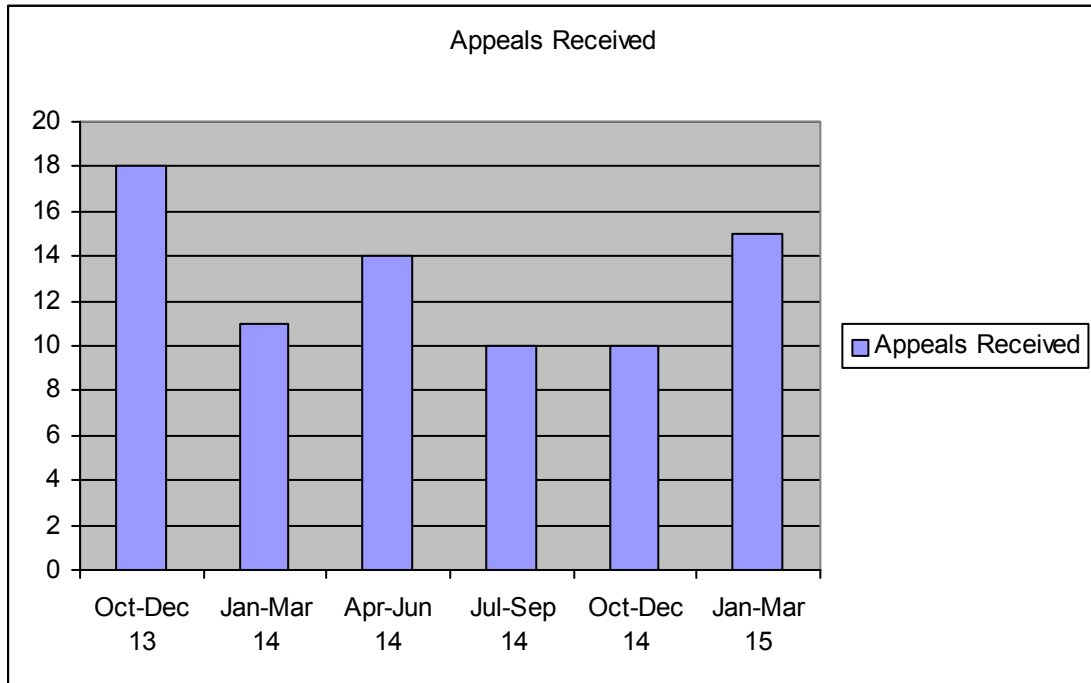
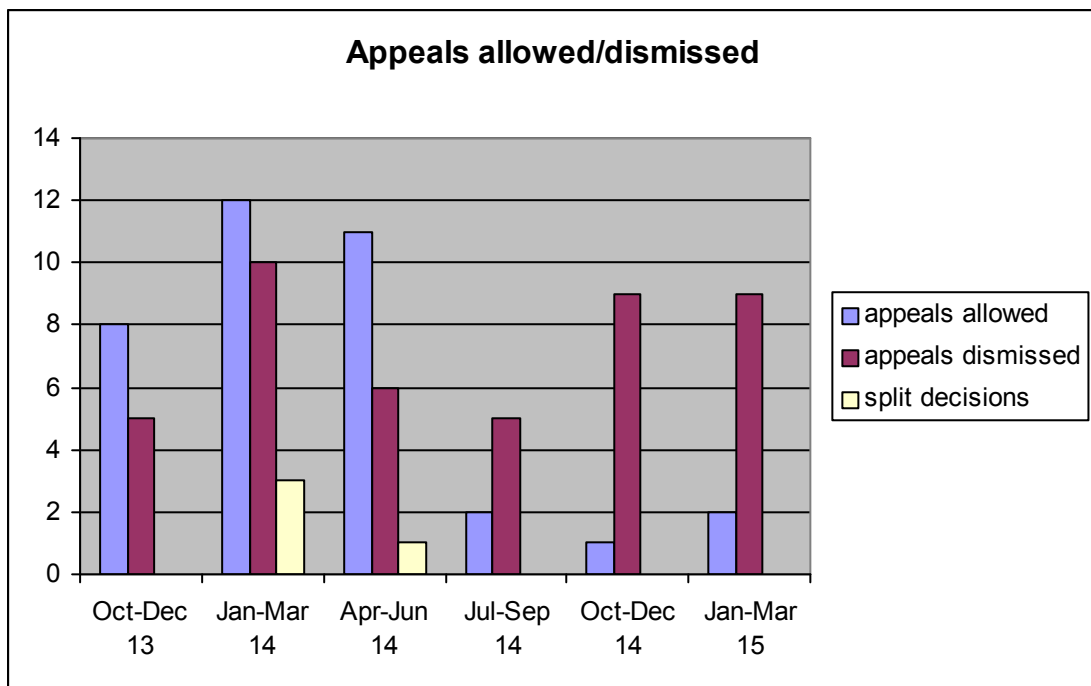
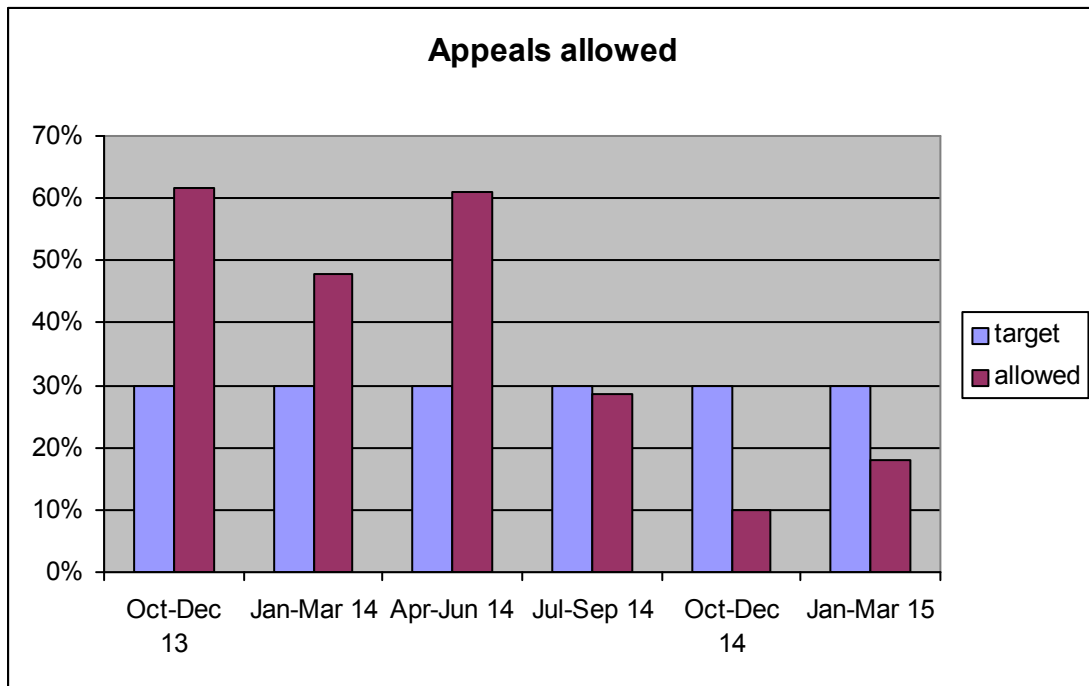


Figure 2 *Number of Appeals allowed / dismissed October 2013 to March 2015*



**Figure 3 : Percentage of appeals allowed against target of 30%
October 2013 to March 2015**



Appendix E : Enforcement

Figure 1 *Number of enforcement notices served and prosecutions January 2014 to March 2015*

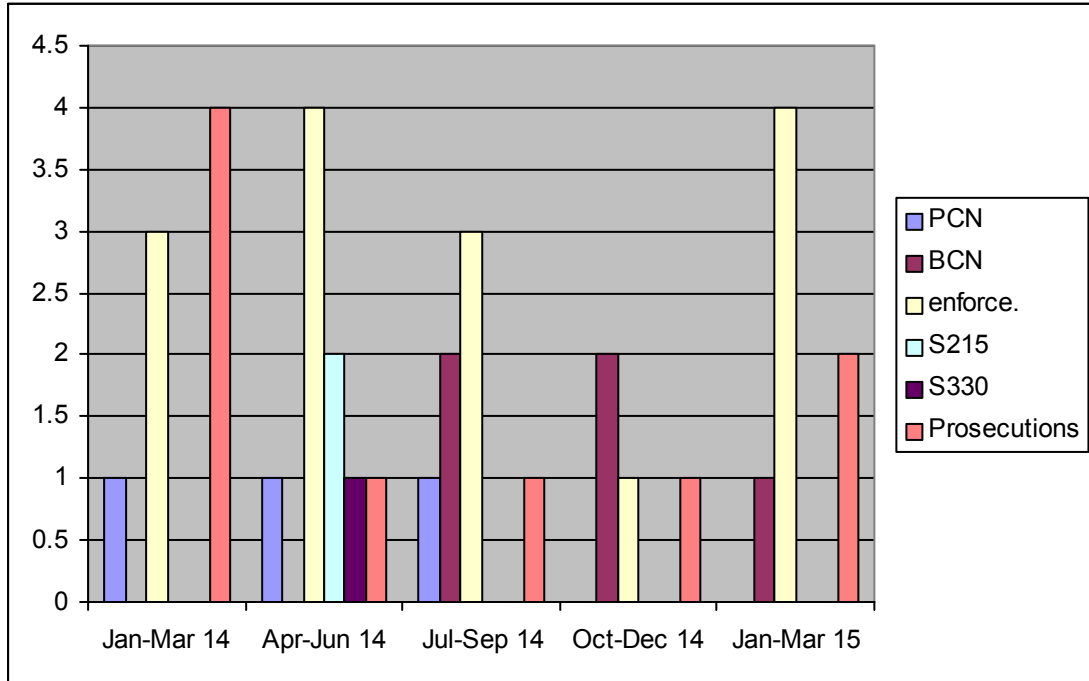
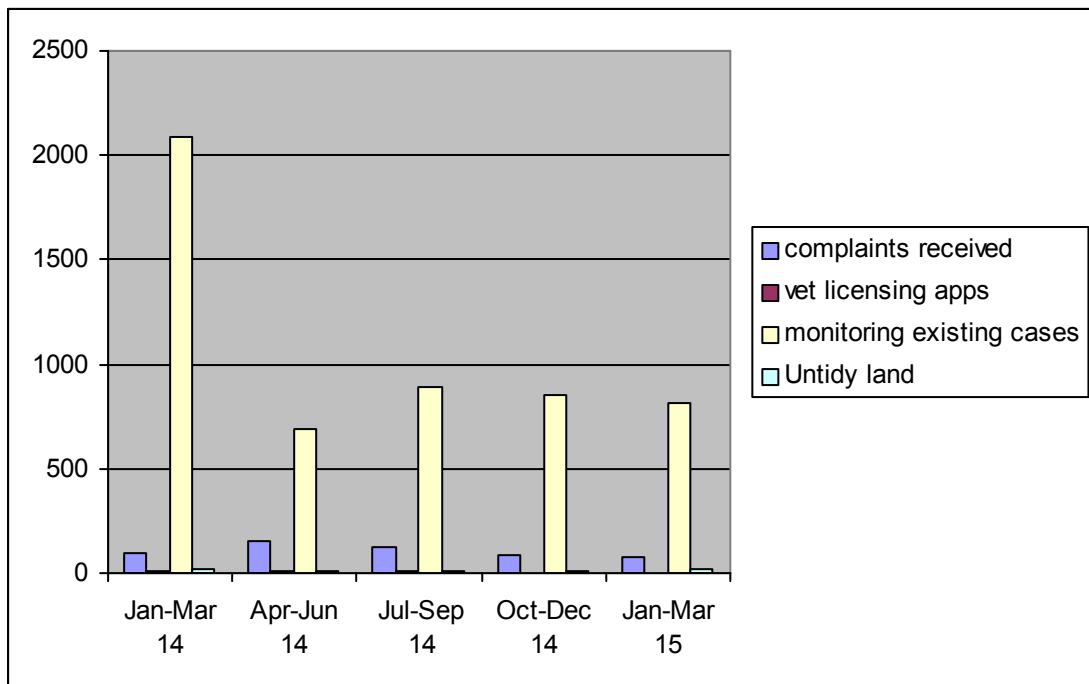


Figure 2 *Number of enforcement related complaints and activities January 2014 to March 2015*



Appendix F : Tree Preservation Order Applications

Figure 1 : TPO applications received from April 2014 to March 2015

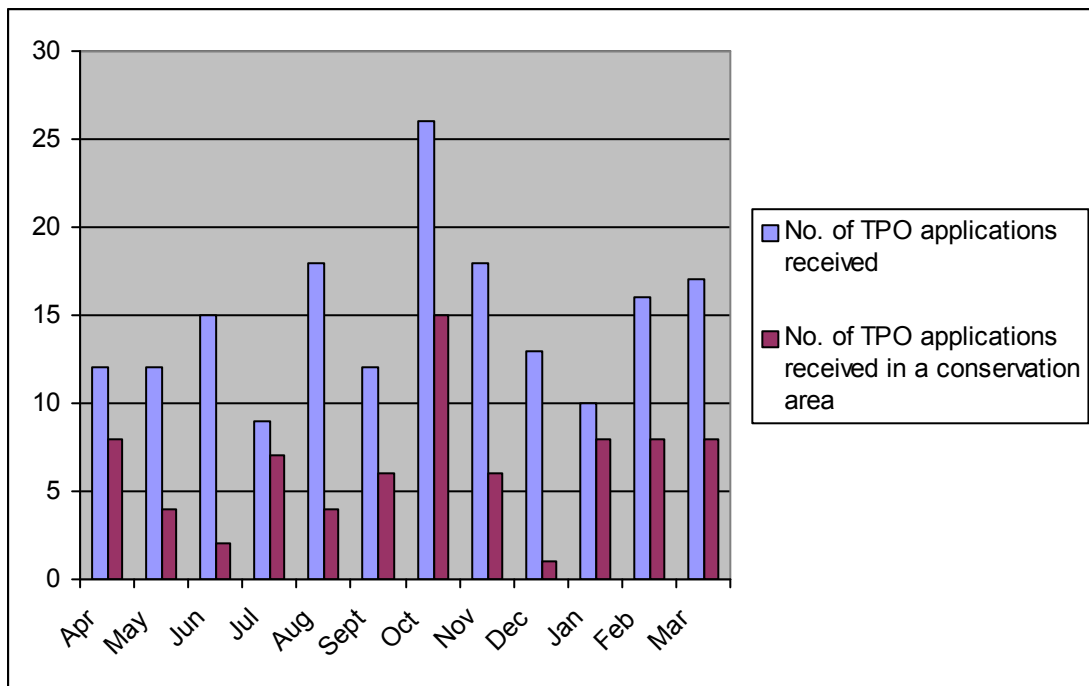
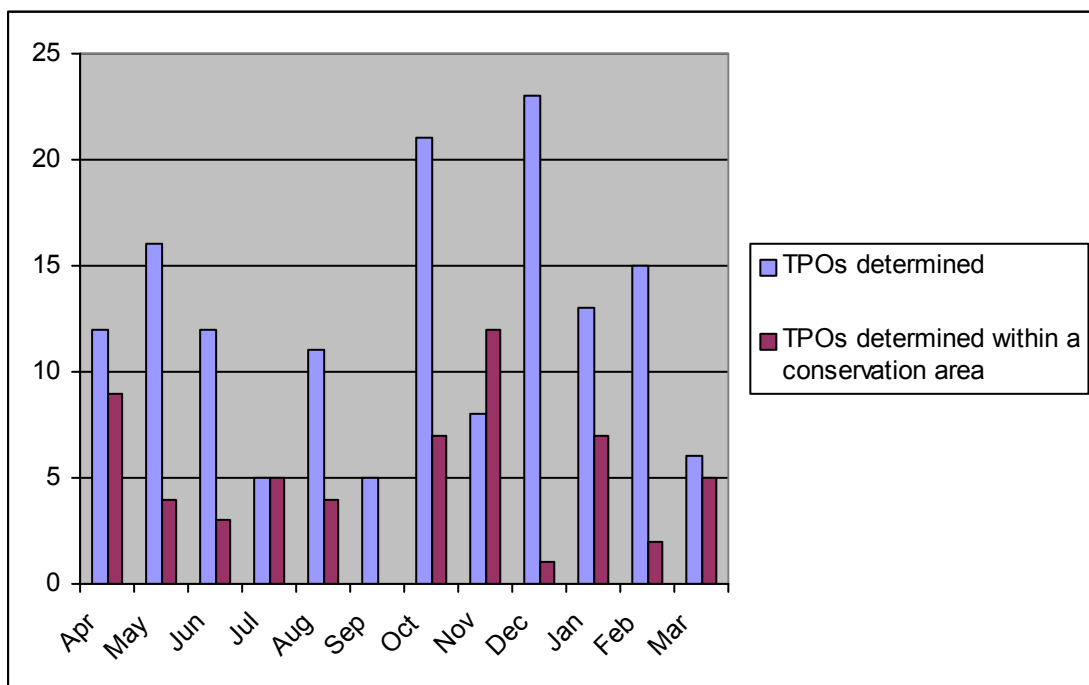


Figure 2 : TPO applications determined from April 2014 to March 2015



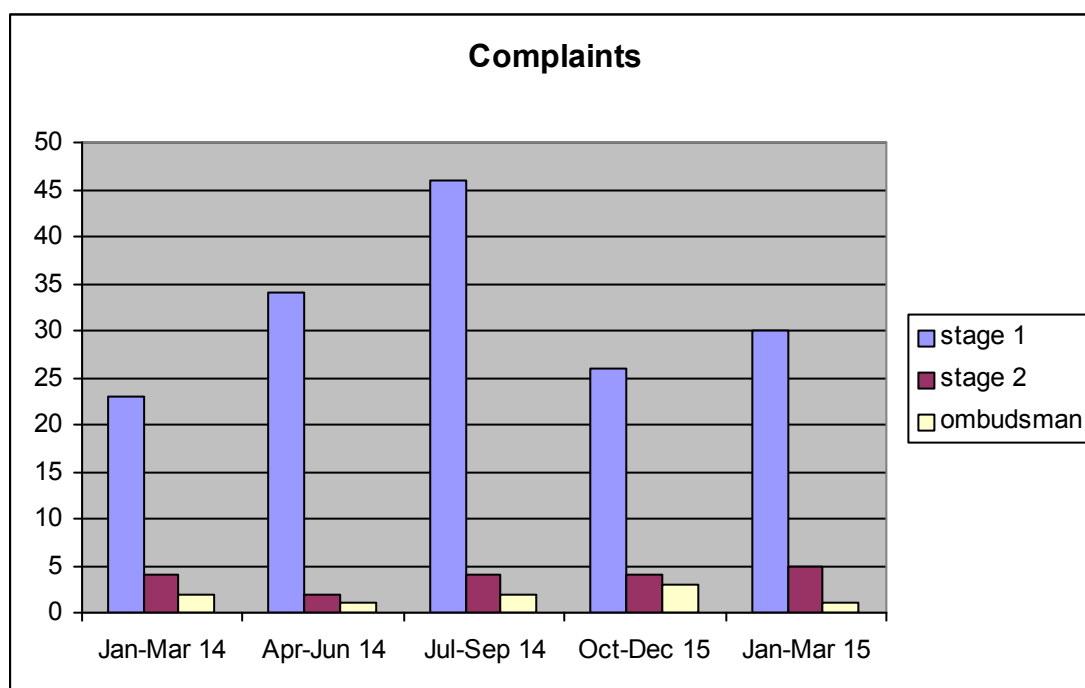
Appendix G : Complaints

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 35 complaints were answered, with 97.14% being answered within the target time of 10 working days, 4 of which had been escalated to Stage 2. 4 complaints were upheld, which were all due to delays in responding.

The Ombudsman investigated one complaint relating to a dispute regarding land ownership, which was closed without fault. As the application was accompanied by a declaration by the applicant (Certificate A) that he owned all of the land to which the application related, the Ombudsman declared the Council had no duty to ascertain land ownership before validating the application.