

## **PLANNING COMMITTEE**

**27 JULY 2016**

### **PERFORMANCE REPORT: 1 APRIL 2016 TO 30 JUNE 2016**

Report from: Richard Hicks, Director  
Regeneration, Culture, Environment & Transformation

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.

#### **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 April 2016 to 30 June 2016 the authority received 404 planning applications; this is compared to 383 for the same period

in 2015. For the year 2015/16 the authority received 1426 applications, this compares to 1452 in 2014/15.

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 91.67%. Applications subject to an extension of time is 85.71%. This is against a target of 60%.

Performance for minor applications **not** subject to an extension of time during the quarter is 88.46%. Applications subject to an extension of time is 86.67%. This is against a target of 65%.

Performance for other applications **not** subject to an extension of time during the quarter is 89.69%. Applications subject to an extension of time is 90.91%. 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 (January to March 2016), Medway performed significantly above the national average for all types of applications (see Appendix B).

Pressure on officer resources has been carefully managed in order to meet national performance targets. This pressure continues and with the added pressure of annual leave, maternity leave and vacancies, the workload will need to be carefully managed if performance is to continue to be maintained.

- 3.3 During the quarter 68 applications with Planning Extension Agreements were decided, this compares to 60 in the previous quarter (see Appendix C). Comparing performance against national data for the period January to March 2016, 85% of applications were determined within the agreed extended timeframe nationally compared to 89% by Medway.
- 3.4 One Planning Performance Agreement (PPA) was entered into during the quarter. This related to:
  - Land between Roman Way and Knight Road (Temple Waterfront) re MC/16/2421
- 3.5 The percentage of appeals allowed during the quarter is 21%, this compares to 16% for the previous quarter. Appeals decided comprise 12 delegated decisions, 3 committee decisions and 4 enforcement decisions. There were no Committee overturns of refusals. There were 2 applications for costs by the appellant and one was awarded.

This relates to the development of the former St Matthews Playing Field, Borstal. (See Appendix D).

- 3.6 The administration of tree preservation applications is undertaken by the Administration Hub. The post of Senior Tree Officer remains within Planning. The number of TPO applications received and performance against target time is reported in Appendix E.
- 3.7 Medway has not had to return any fees and all applications are and will be carefully monitored to ensure this does not occur.
- 3.8 The Planning Service successfully gained re-certification of its ISO accreditation in June. The next external assessment is scheduled for December 2016.

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

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

#### **5. Consultation**

- 5.1 Government is promoting a strong agenda to boost the supply of housing, and have introduced a range of changes to planning, with the objective of increasing housebuilding. The Housing and Planning Bill will introduce a number of these changes. This includes the establishment and maintenance of a Brownfield Land Register; Self Build and Custom Housebuilding Register; and proposals to support the delivery of Starter Homes. DCLG have recently carried out a technical consultation on implementation of quite radical changes to the planning system. Medway has responded in detail to this consultation and Government are currently analysing the comments submitted.
- 5.2 The Council has participated in a funded pilot programme to set up a Brownfield Land Register, and the Register is now published on the Council's website.
- 5.3 The government has raised expectations that local planning authorities should have updated Local Plans published by early 2017. It is proposing the power for the Secretary of State to intervene in plan making as well as consequent financial penalties if local authorities fail to achieve this. The council will not have an updated Local Plan in place by 2017.. The council has been engaging with DCLG officers on this matter, and has worked with the Planning Advisory Service (PAS) to carry out an objective assessment of the Medway Local Development Scheme (LDS) and support work in progressing a key technical stage of the Local Plan. The independent assessment of the LDS confirmed that the process and timetable set out by the council are appropriate and could not be advanced any quicker.
- 5.4 Medway Council's Planning Service is a member of the Planning Quality Framework (PQF), organised by the Planning Advisory Service, to improve the way Council Planning departments work.

- 5.5 Liaison with major house builders within Medway and the Planning Service continues to assist them to meet commitments. This has resulted in the negotiation of payment plans to assist developers to meet their S106 developer contributions. During the quarter £12,778 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. .
- 5.6 The annual meeting with Major Developers was held in May 2016. This meeting provided developers with an opportunity to meet with Members of the Planning Committee and Senior Officers within the Planning Service. Developers were provided with an update on Issues and Options regarding the Local Plan and Natural England gave a presentation on a possible new approach to protected species regulations.

## **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.

6.7 An Internal Audit of the Planning Service was carried out during the last quarter and the final report issued in March concluded the overall opinion on the planning process is Strong. The audit found the quality management framework works well and provides value for money.

## **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 £184,747 compared to £307,437 in the previous quarter. Total income for the year 2015/16 is £845,256. Total income for the year 2014/15 was £1,224,303. 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.

## **Appendices**

- A) Applications
- B) Benchmarking
- C) Appeals
- D) Enforcement
- E) Tree Preservation Order Applications
- F) Complaints

## **Lead officer contact**

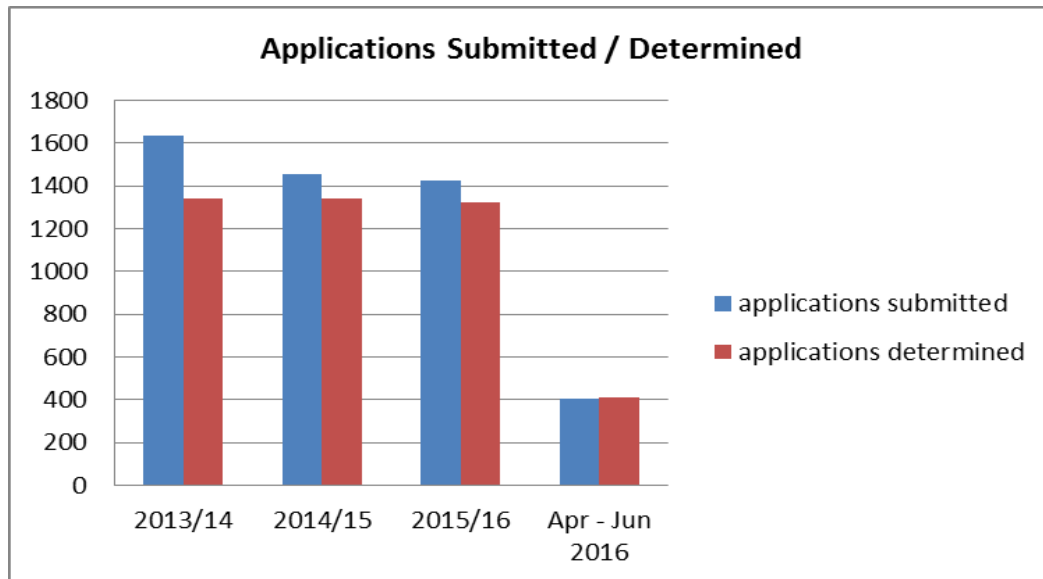
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Gun Wharf  
Telephone: 01634 331575  
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## **Background papers**

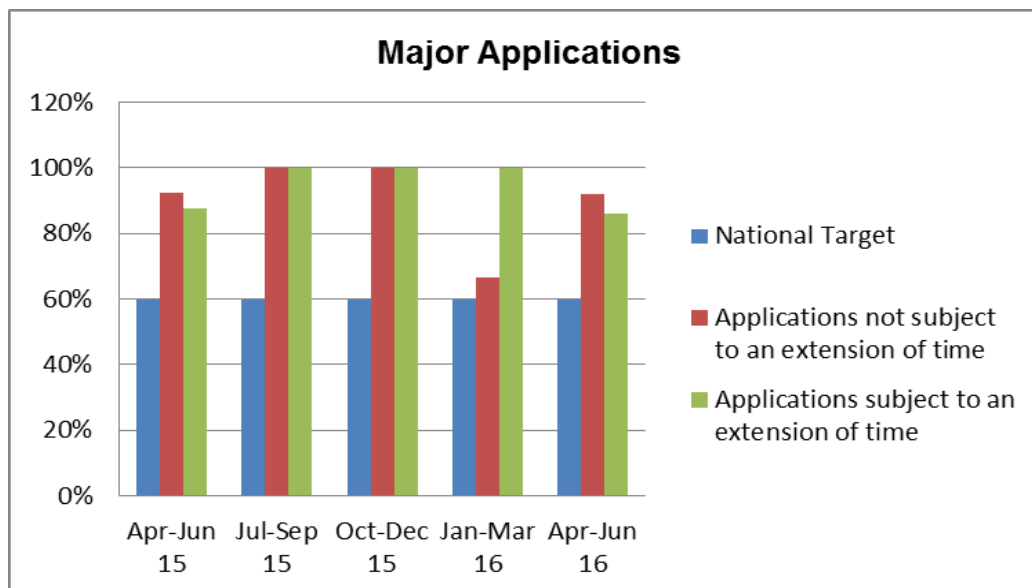
General Development Control Return PS1  
General Development Control Return PS2

## Appendix A : Applications

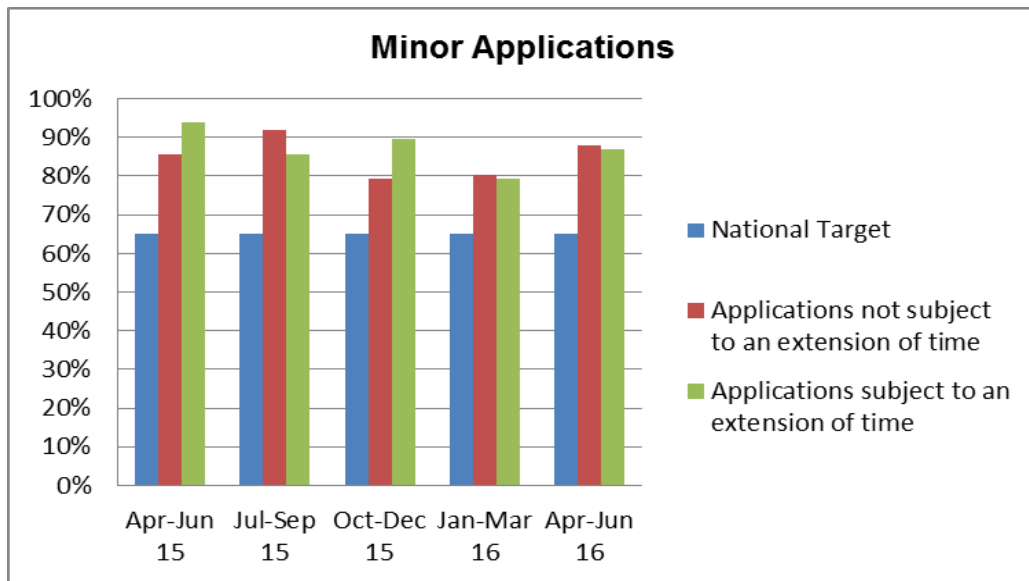
**Figure 1** *Number of applications received and determined 2013/14 to June 2016*



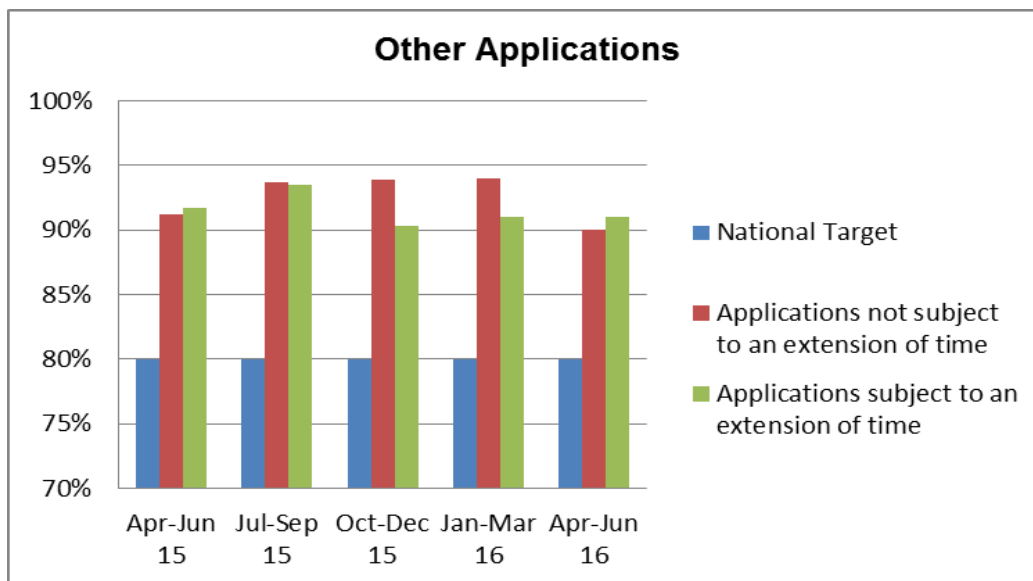
**Figure 2** *Percentage of "Major" applications determined against performance target April 2015 to June 2016*



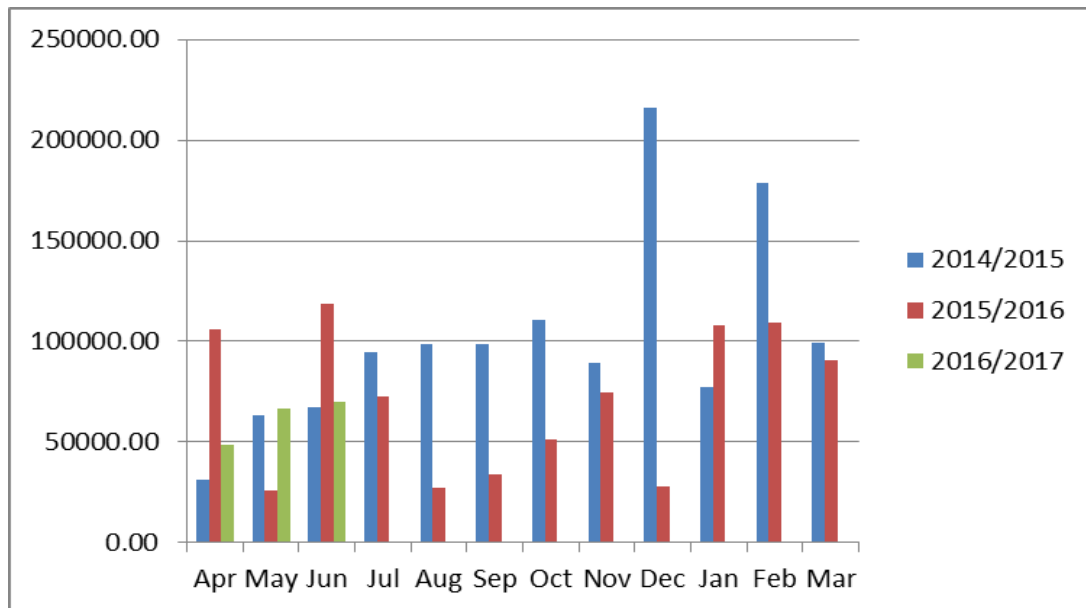
**Figure 3 Percentage of “Minor” applications determined against performance target April 2015 to June 2016**



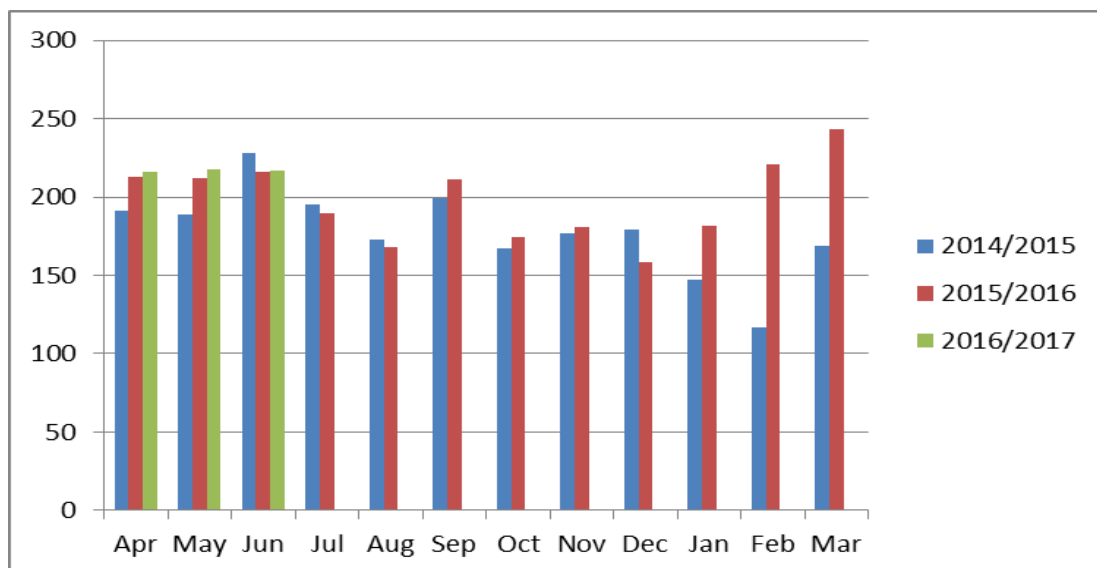
**Figure 4 Percentage of “Other” applications determined against performance target April 2016 to June 2016**



**Figure 5 Planning application fees received showing 2014/15, 2015/16 and April to June 2016**



**Figure 6 Planning Applications received showing 2014/15, 2015/16 and April to June 2016**

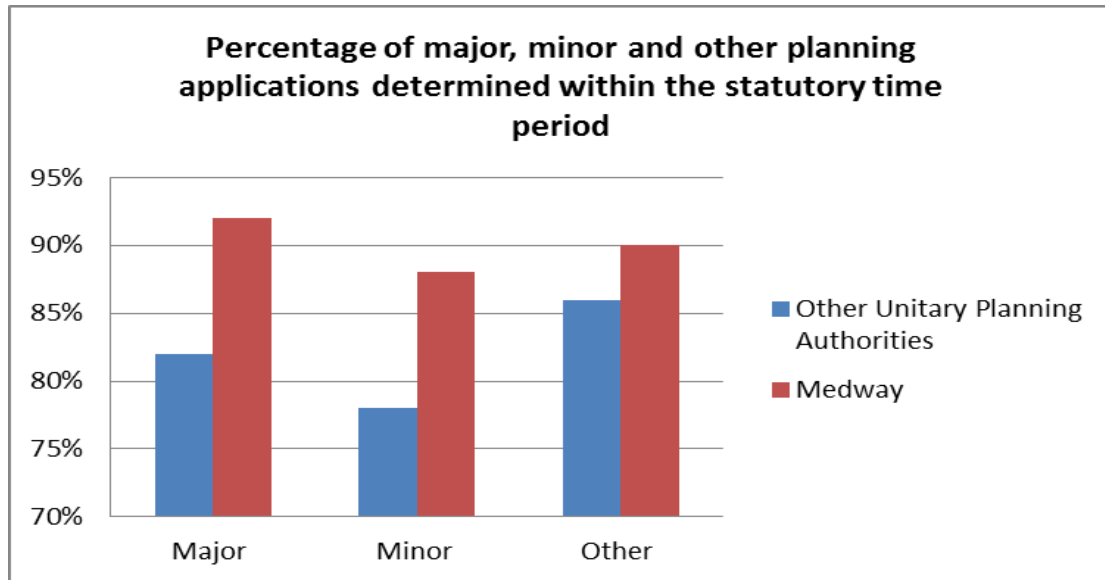




## **Appendix B : Benchmarking**

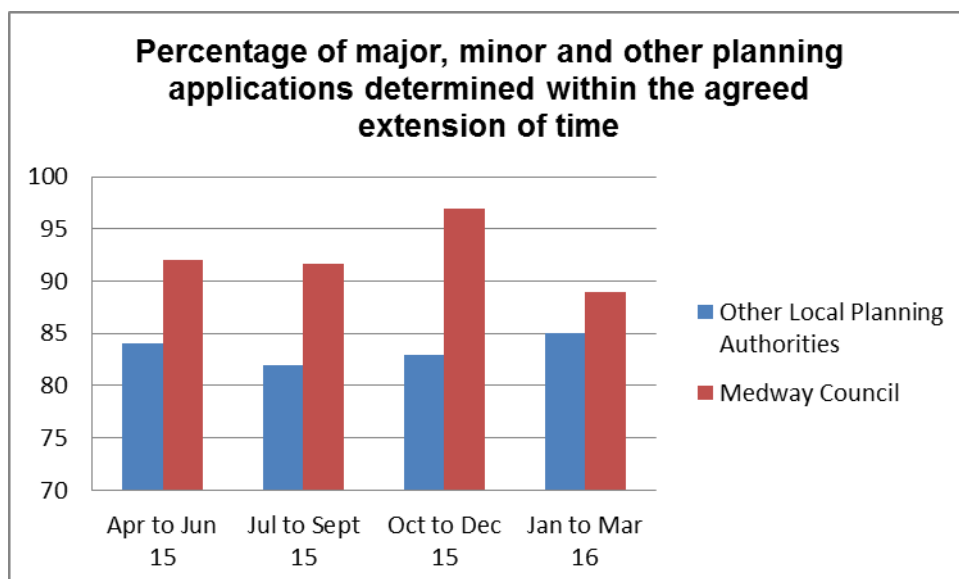
**Figure 1 – Planning applications determined within the statutory timeframe**

Government produced statistics and league tables compares performance to the national average. The chart below compares Medway's performance with the latest data available for other unitary planning authorities.



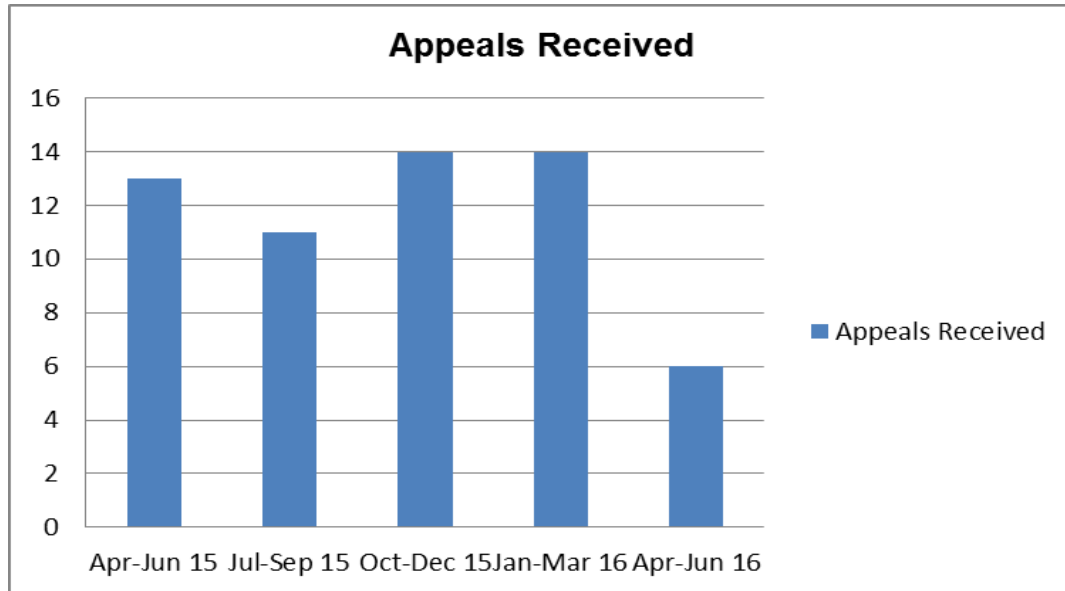
**Figure 2 - Applications with a Planning Extension Agreement**

Government produced statistics and league tables compares performance to the national average. The chart below compares the performance with other local planning authorities for applications with a Planning Extension Agreement.

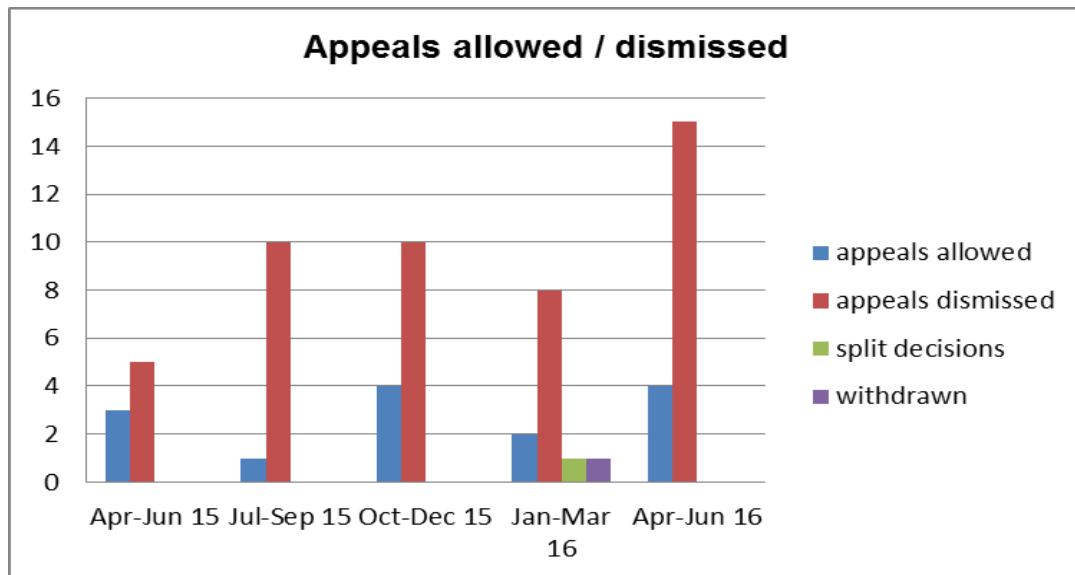


## Appendix C : Appeals

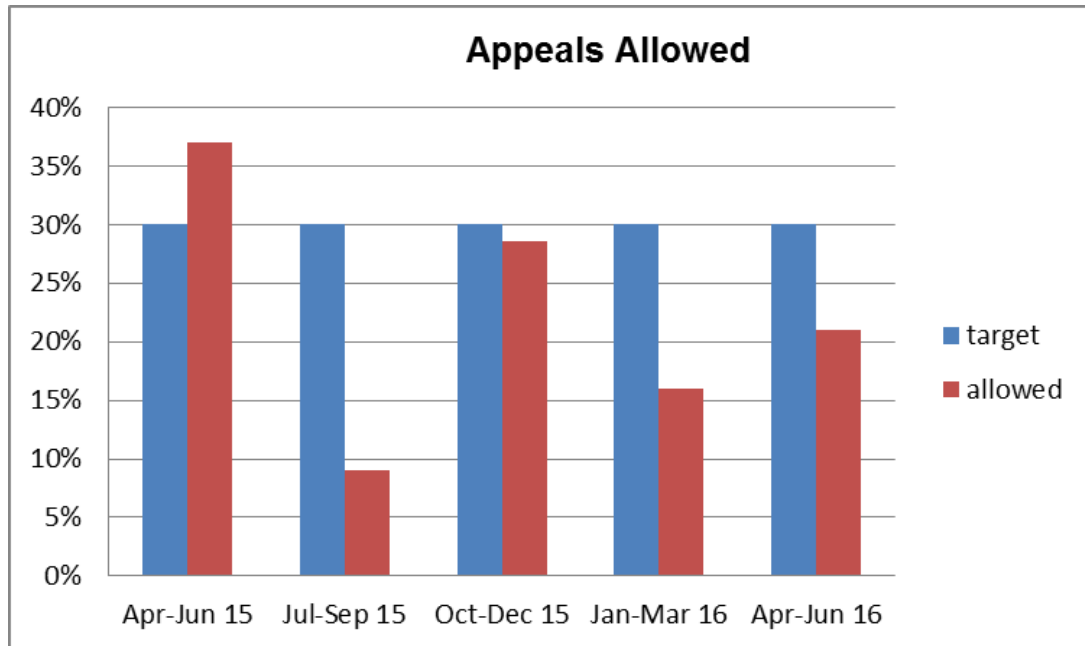
**Figure 1** *Number of appeals received from April 2015 to June 2016*



**Figure 2** *Number of Appeals allowed / dismissed April 2015 to June 2016*

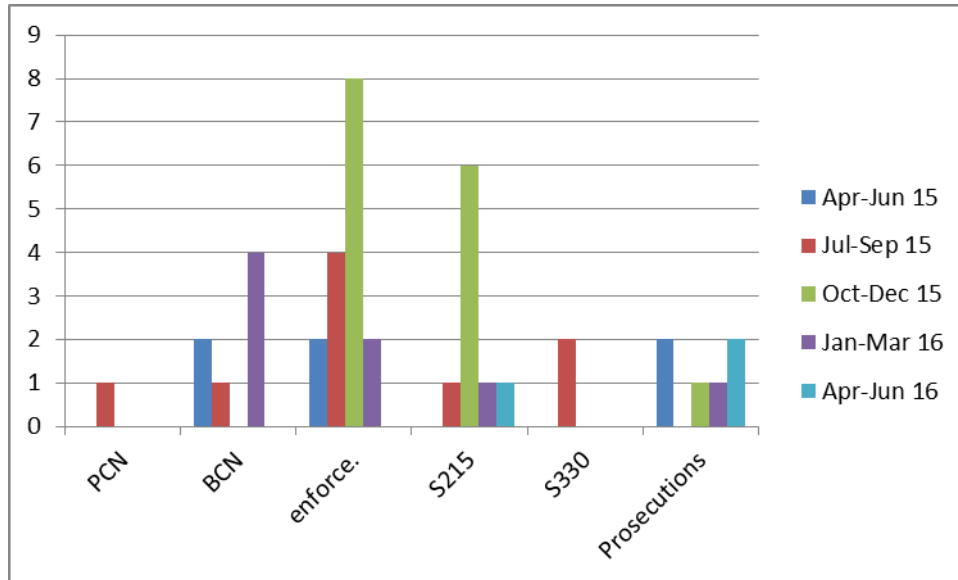


**Figure 3 : Percentage of appeals allowed against target of 30%  
April 2015 to June 2016**

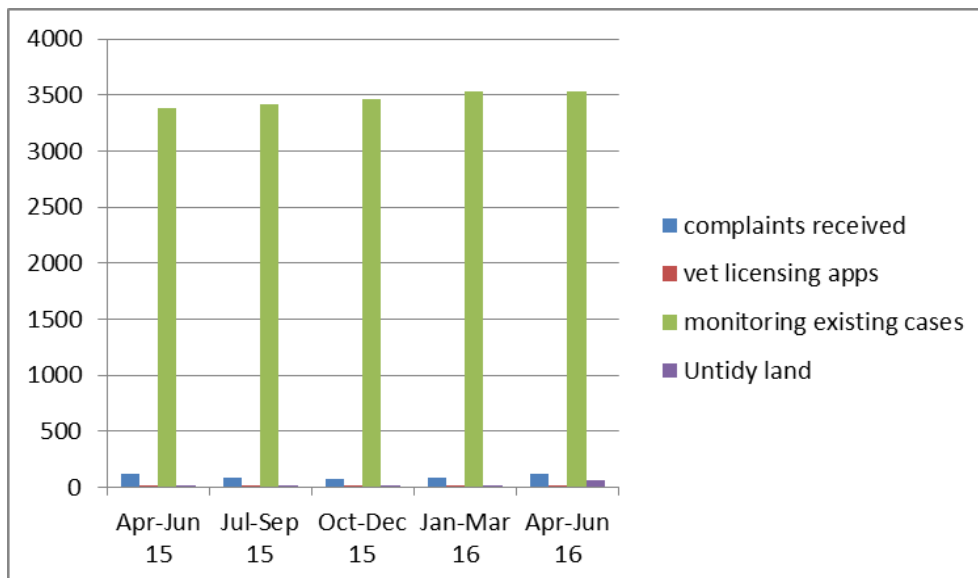


## Appendix D : Enforcement

**Figure 1** *Number of enforcement notices served and prosecutions April 2015 to June 2016*

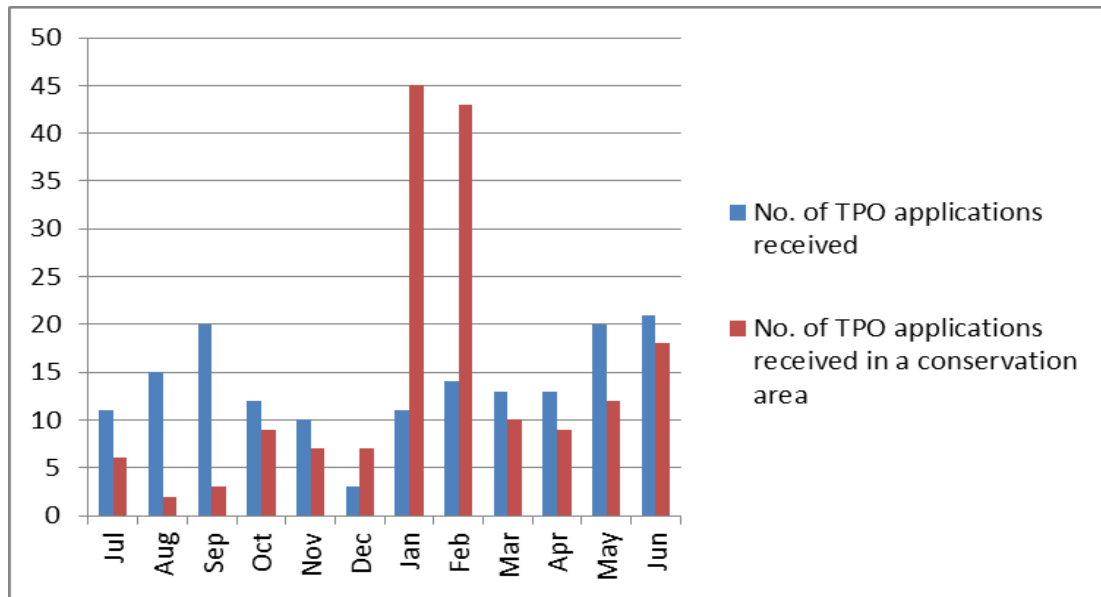


**Figure 2** *Number of enforcement related complaints and activities April 2015 to June 2016*

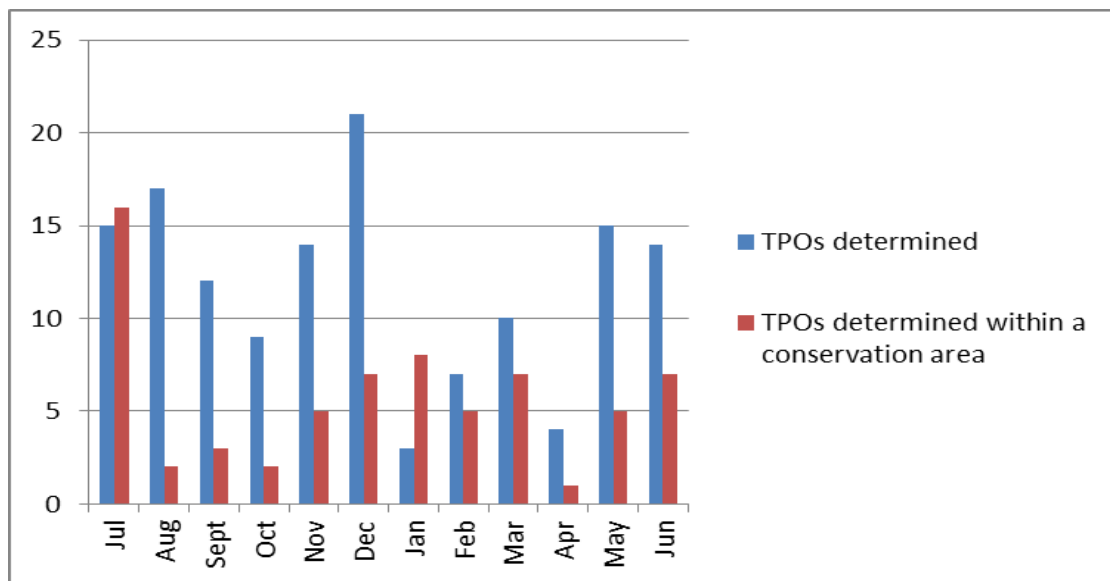


## Appendix E : Tree Preservation Order Applications

**Figure 1 : TPO applications received from July 2015 to June 2016**



**Figure 2 : TPO applications determined from July 2015 to June 2016**



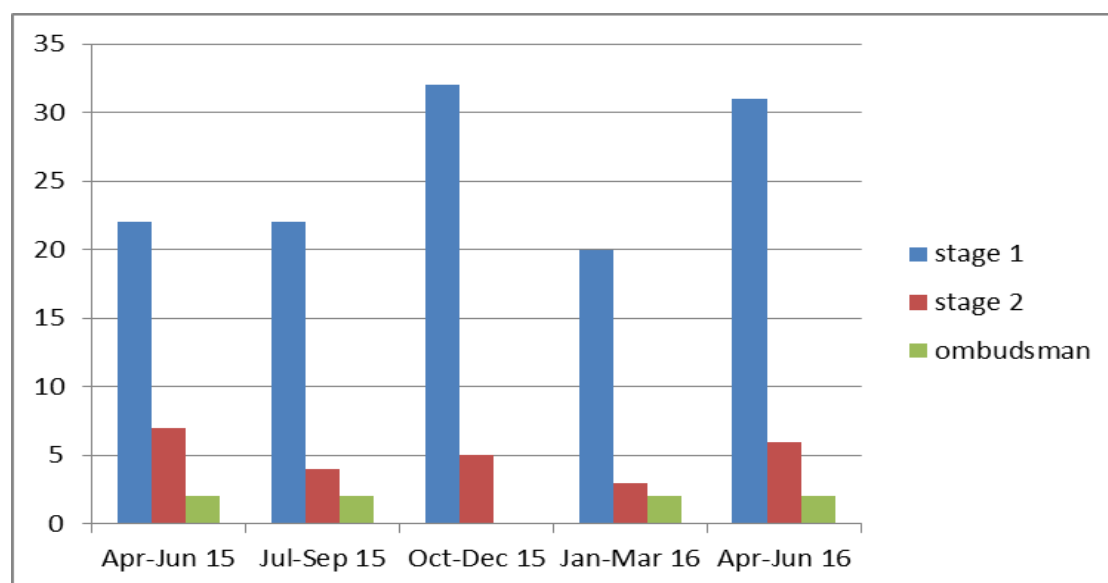
## **Appendix F : Complaints and Compliments**

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 30 complaints were answered, with 93% being answered within the target time of 10 working days, 6 of which had been escalated to Stage 2. 28 complaints were dismissed where no fault was found. 2 were upheld due to a delay in Officers responding. 3 were upheld, two due to the misuse of the proactive informative as the applicant was not informed in advance that the application was likely to be refused and one due to an error in the case officer report. In all cases the outcome of the application was not affected.

The Ombudsman completed two investigations during the quarter. One found no fault in the way the Council made its decision and the other found that no significant injustice was caused by the alleged fault so the Ombudsman determined not to investigate further.

The Planning Service has received a number of compliments during the quarter from both internal and external customers. Comments include 'Your department must be highly rated within Medway for its efficiency' and 'I have to say I am impressed as to how rapidly the Planning Department responded to my query'.