

PLANNING COMMITTEE

15 FEBRUARY 2017

PERFORMANCE REPORT: OCTOBER TO DECEMBER 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 October 2016 to 31 December 2016 the authority received 357 planning applications; this is compared to 323 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 83.33%. Applications subject to an extension of time is 75.00%. This is against a target of 60%.

Performance for minor applications **not** subject to an extension of time during the quarter is 92.86%. Applications subject to an extension of time is 92.31%. This is against a target of 65%.

Performance for other applications **not** subject to an extension of time during the quarter is 91.39%. Applications subject to an extension of time is 84.00%. 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 (July to September 2016), Medway performed significantly above the national average for minor and other types of applications. However performance for major applications is marginally below the national average (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 54 applications with Planning Extension Agreements were decided, this compares to 68 in the previous quarter (see Appendix C). Comparing performance against national data for the period April to June 2016, 88% of applications were determined within the agreed extended timeframe nationally compared to 87% by Medway.
- 3.4 One Planning Performance Agreement (PPA) was entered into during the quarter. This related to:
 - A289 from Four Elms roundabout to Medway Tunnel including Four Elms roundabout, Sans Pareil Roundabout, Anthony's Way Roundabout, Frindsbury Hill and adjacent roads and land – MC/16/4154
- 3.5 The percentage of appeals allowed during the quarter is 40%, this compares to 38% for the previous quarter. Appeals decided comprise 8 delegated decisions and two Committee overturns to refusals. There were 2 applications for costs by the appellants, which were both

awarded. These relate to MC/16/2725 1 Embassy Close and MC/16/2045 Aquarius, 8 Watson Avenue (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 The Planning Service successfully gained re-certification of its ISO accreditation in June. The next external assessment is scheduled for February 2017.

4. Advice and analysis

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

5. Consultation

5.1 Government continues to promote a strong agenda to enable development to deliver home ownership, building homes people can afford to buy and supporting economic growth. An efficient and effective planning system facilitated by skilled and experienced planners is recognised by government to support this.

The performance of local planning authorities in deciding applications is crucial to achieving this objective. Government have laid before parliament revised criteria for designation to help speed up the decision process. It will consider performance in respect of applications for major and non-major development separately as follows:

- For applications for major development: less than 50 per cent of an authority's decisions made within the statutory determination period or such extended period as has been agreed in writing with the applicant.
- For applications for non-major development: less than 65 per cent of an authority's decisions made within the statutory determination period or such extended period as has been agreed in writing with the applicant.

5.2 All parts of the Housing and Planning Act, 2016, relating to self build and custom housebuilding were enacted by 31 October. In the first recording period, 15 individuals requested to be included on the Medway register. This has generated a need for up 19 serviced plots.

5.3 The Planning Service participated in a DCLG pilot scheme to set up a brownfield land register, in advance of the requirements of the Housing and Planning Act. This supports the government's aims to boost the supply of land for housing. Since the register was published in June 2016, 42 sites have been identified in Medway.

- 5.4 The Development Options consultation document was presented to Cabinet on 20 December 2016. This is the second formal stage in the preparation of the new Local Plan and builds on the work carried out in the Issues and Options stage. The document provides a draft vision for Medway in 2035, setting out emerging approaches to policies to address the key issues facing Medway's communities, economy and environment. To consider options for how development land could be allocated across Medway, it also sets out a range of scenarios that could provide the basis for Medway's development up to 2035. The consultation will run from 16 January 2017 to 6 March 2017.
- 5.5 Authority Monitoring Report presented to Cabinet on 20 December 2016. The AMR is a statutory report on planning and development in Medway, including annual housebuilding rates and projections, changes in employment and retail land.
- 5.6 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.
- 5.7 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 £526,734 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. .

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 £280,090 compared to £184,747 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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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 December 2016*

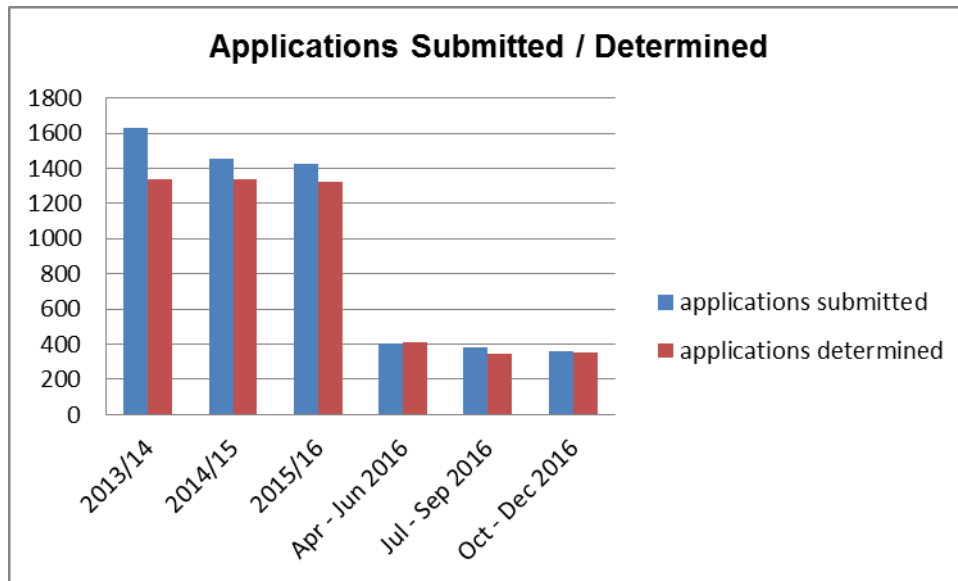


Figure 2 *Percentage of “Major” applications determined against performance target July 2015 to December 2016*

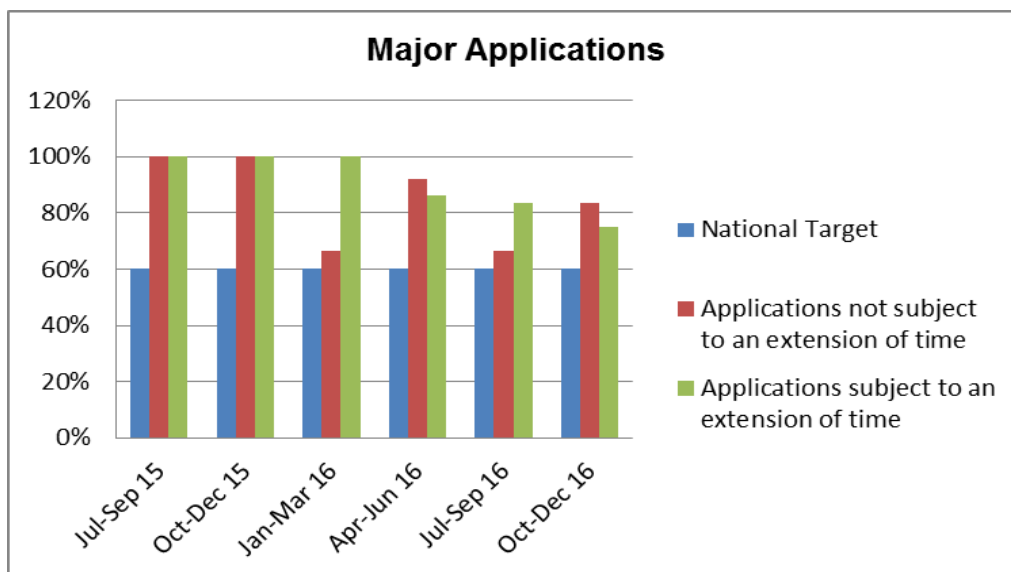


Figure 3 Percentage of “Minor” applications determined against performance target July 2015 to December 2016

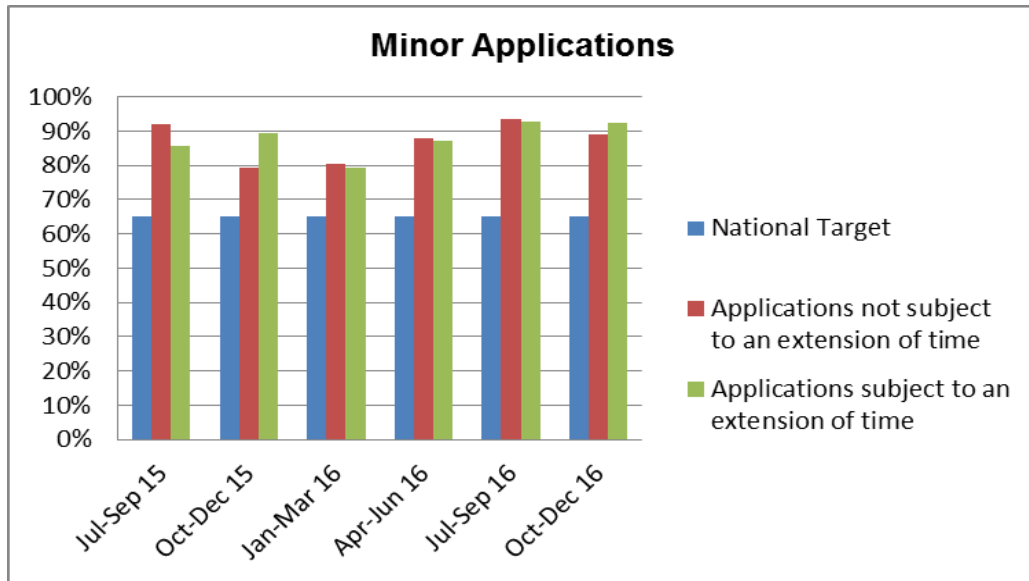


Figure 4 Percentage of “Other” applications determined against performance target July 2016 to December 2016

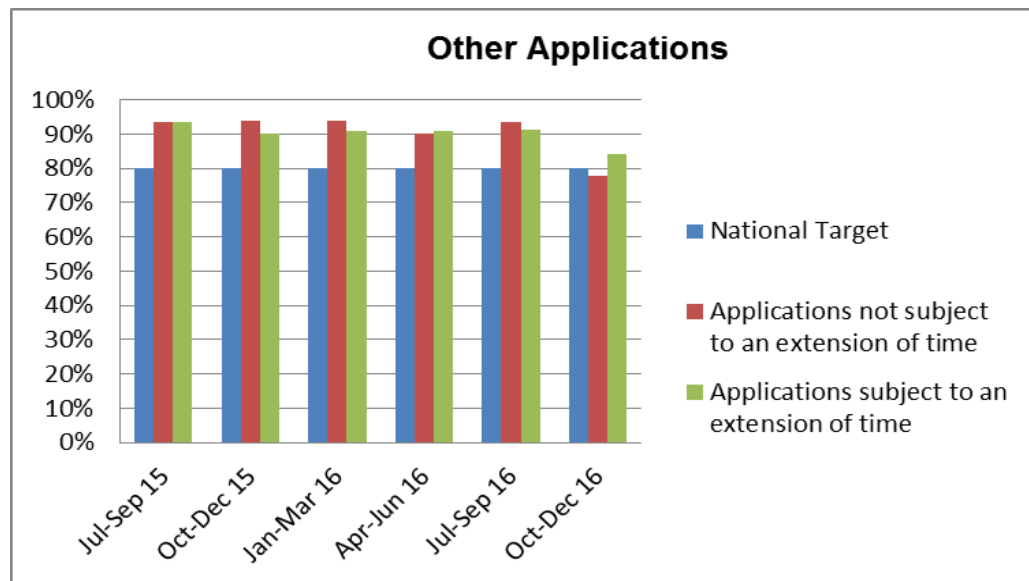


Figure 5 Planning application fees received showing 2014/15, 2015/16 and April to December 2016

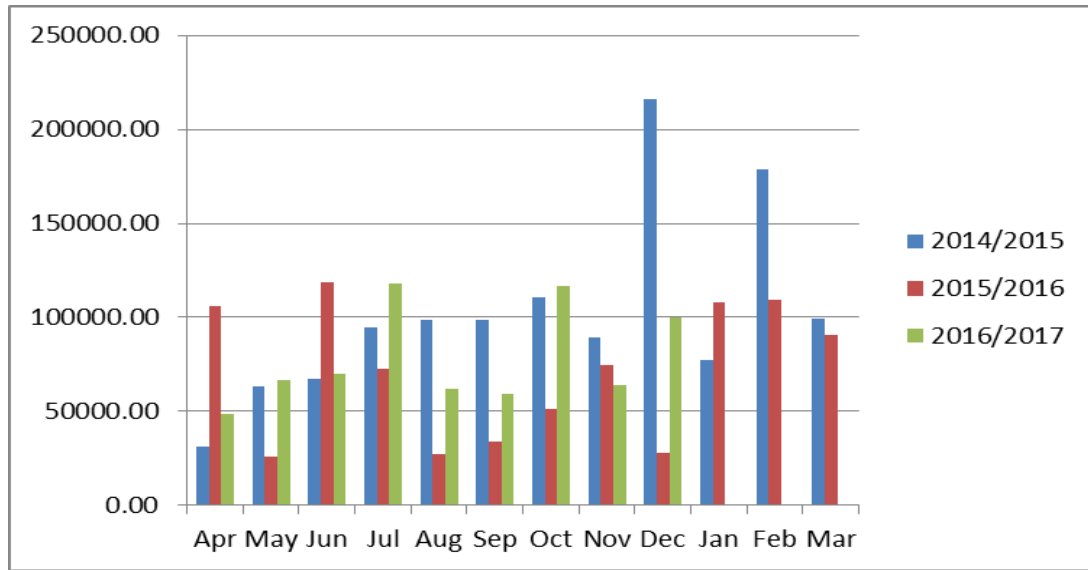
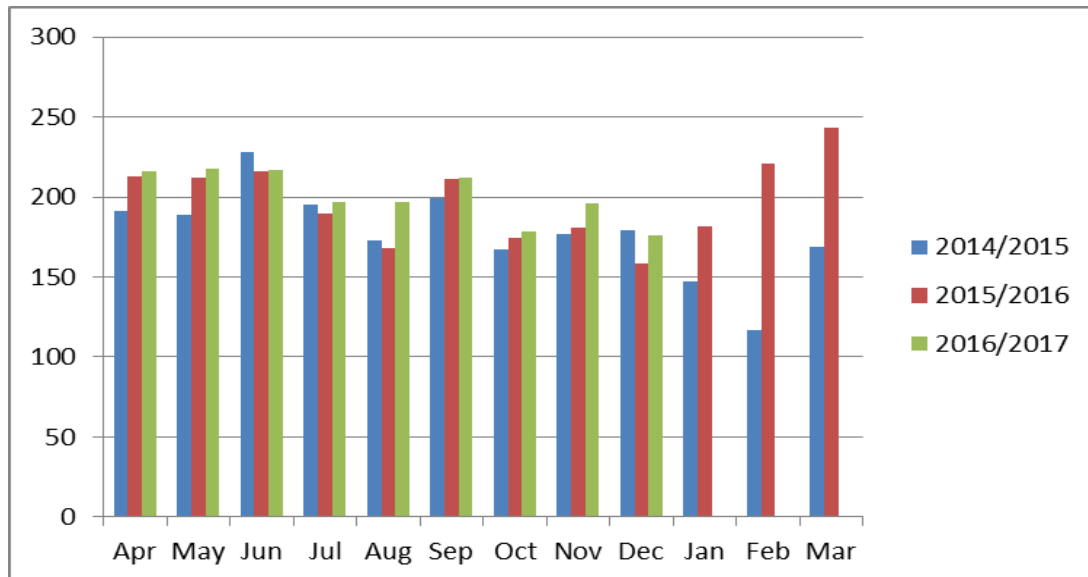


Figure 6 Planning Applications received showing 2014/15, 2015/16 and April to December 2016



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.

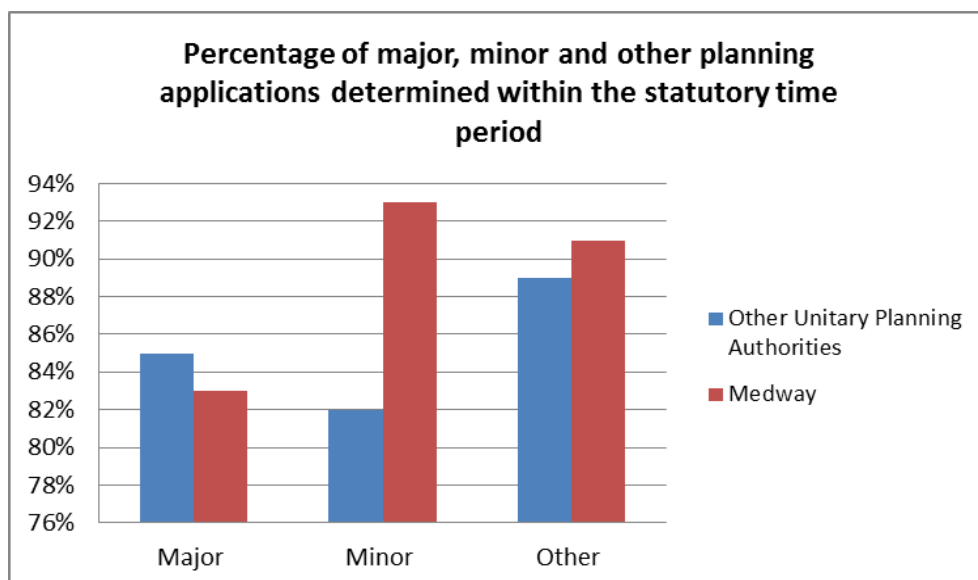
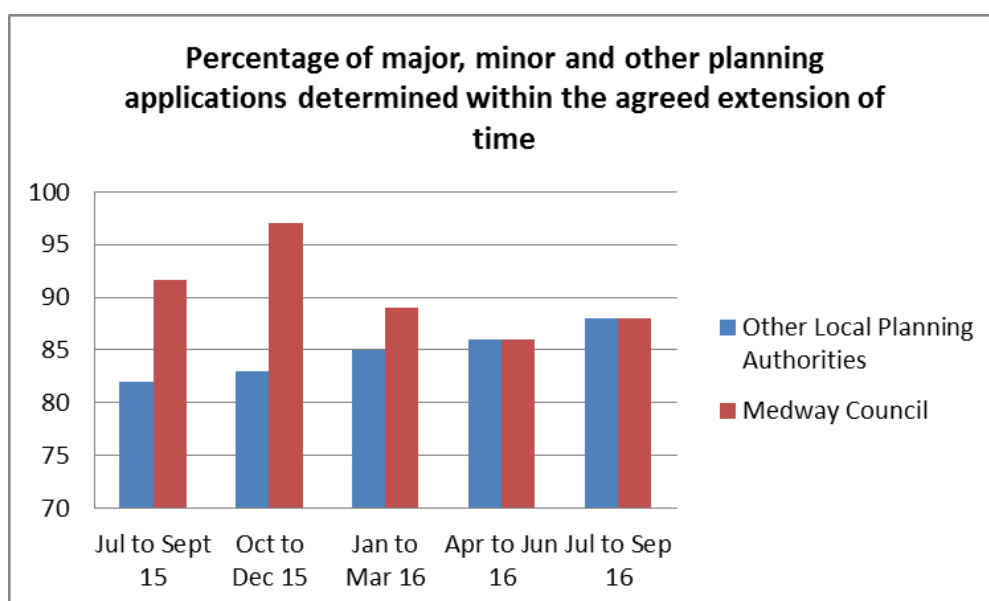


Figure 2 - Applications with a Planning Extension Agreement

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 October 2015 to December 2016*

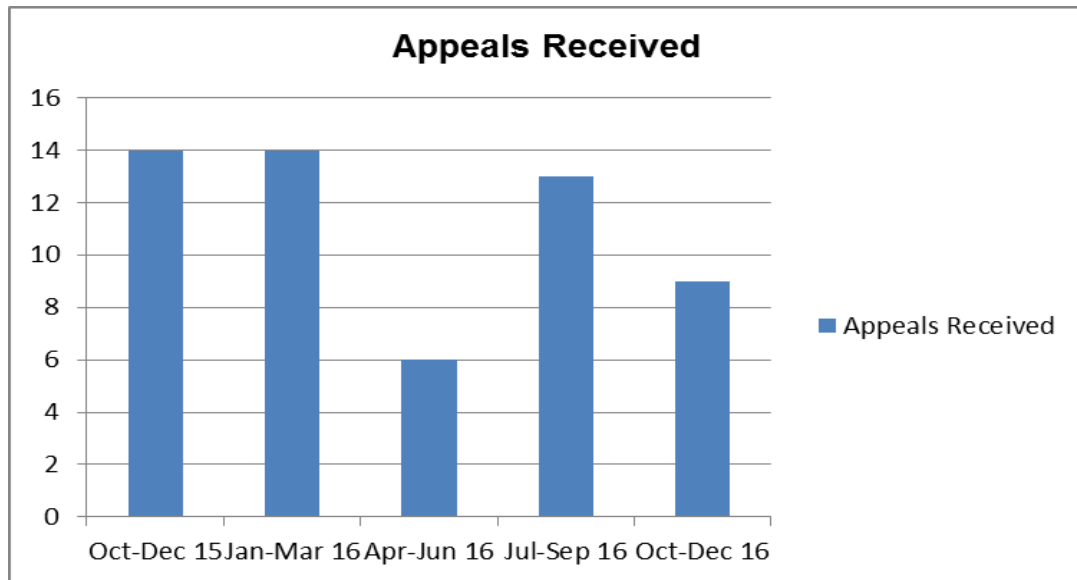
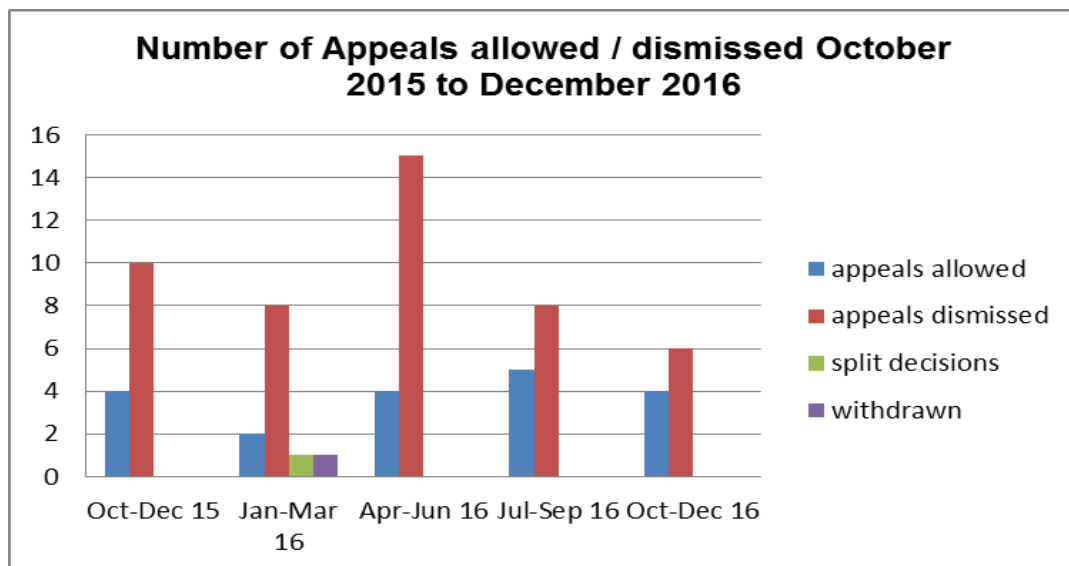
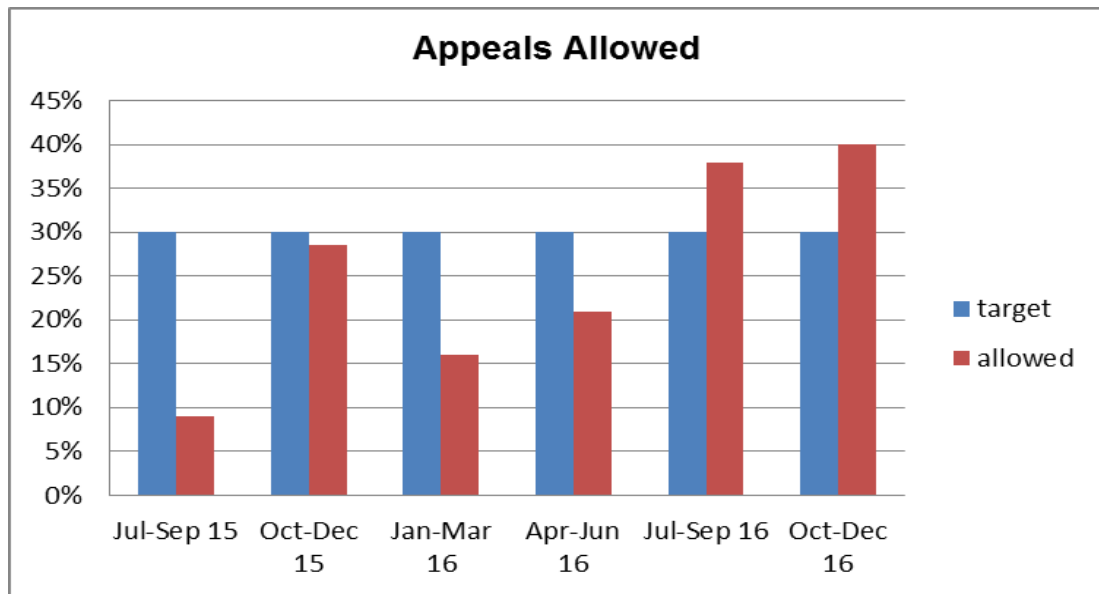


Figure 2 *Number of Appeals allowed / dismissed October 2015 to December 2016*



**Figure 3 : Percentage of appeals allowed against target of 30%
July 2015 to December 2016**



Appendix D : Enforcement

Figure 1 *Number of enforcement notices served and prosecutions October 2015 to December 2016*

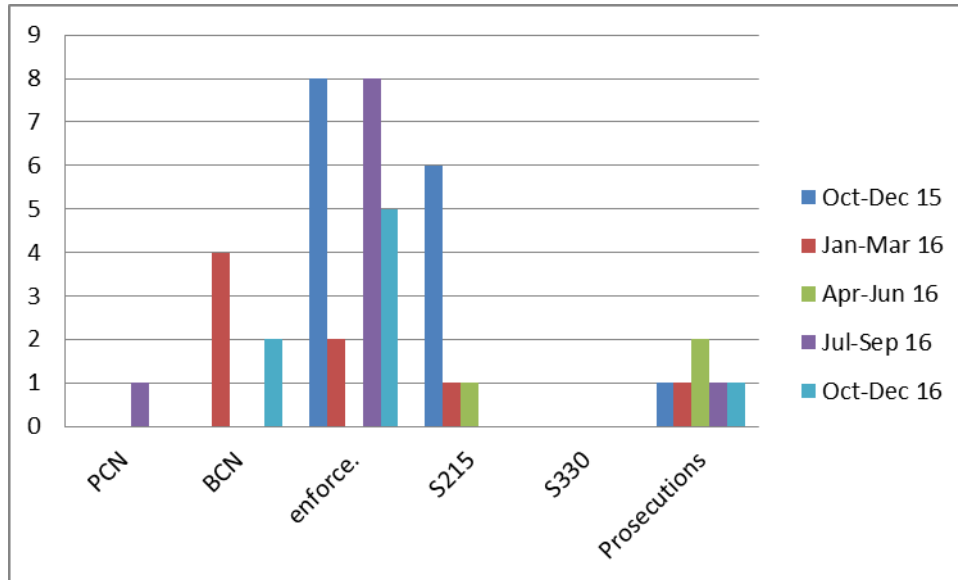
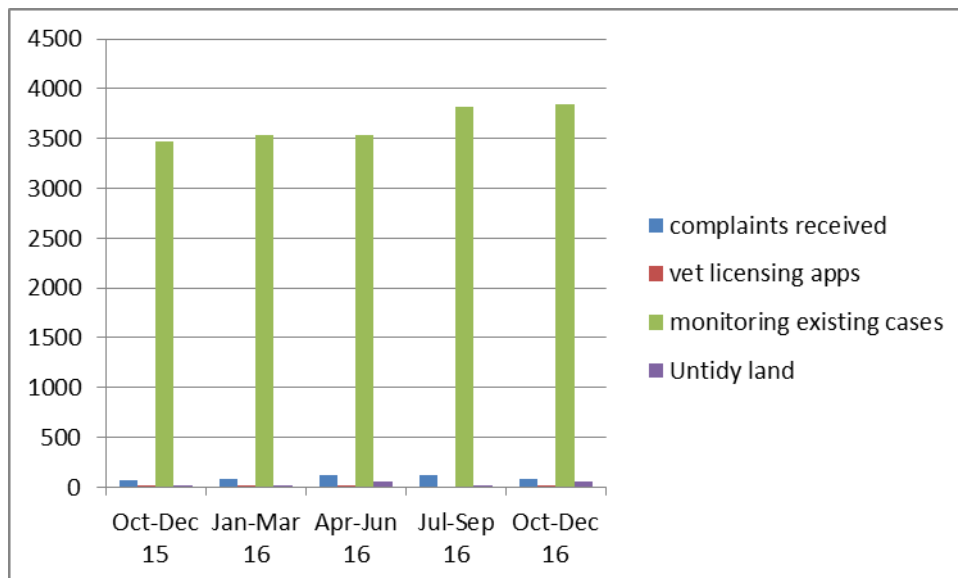


Figure 2 *Number of enforcement related complaints and activities October 2015 to December 2016*



Appendix E : Tree Preservation Order Applications

Figure 1 : TPO applications received from January 2016 to December 2016

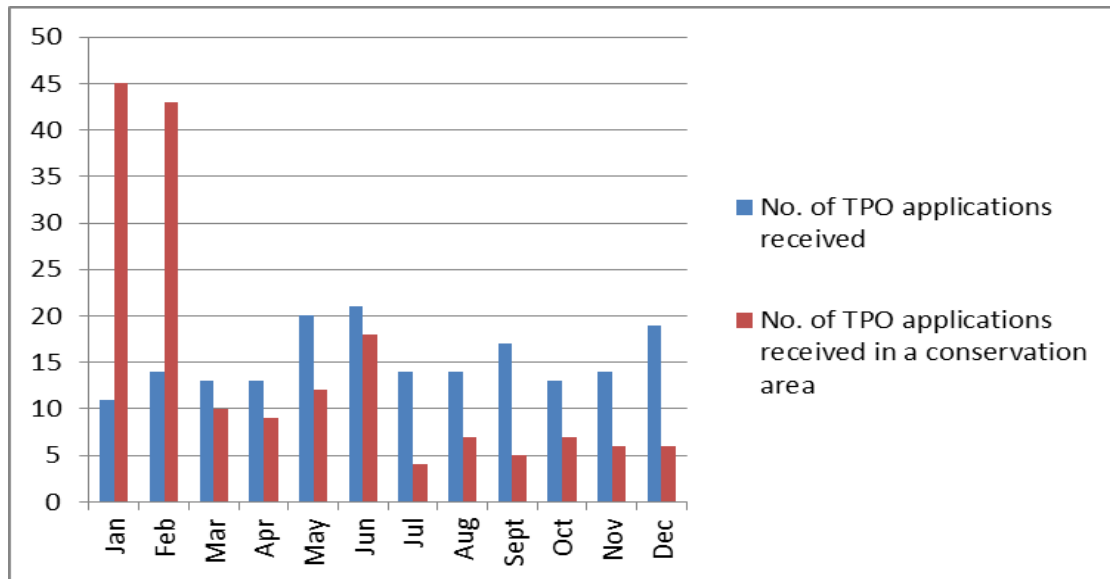
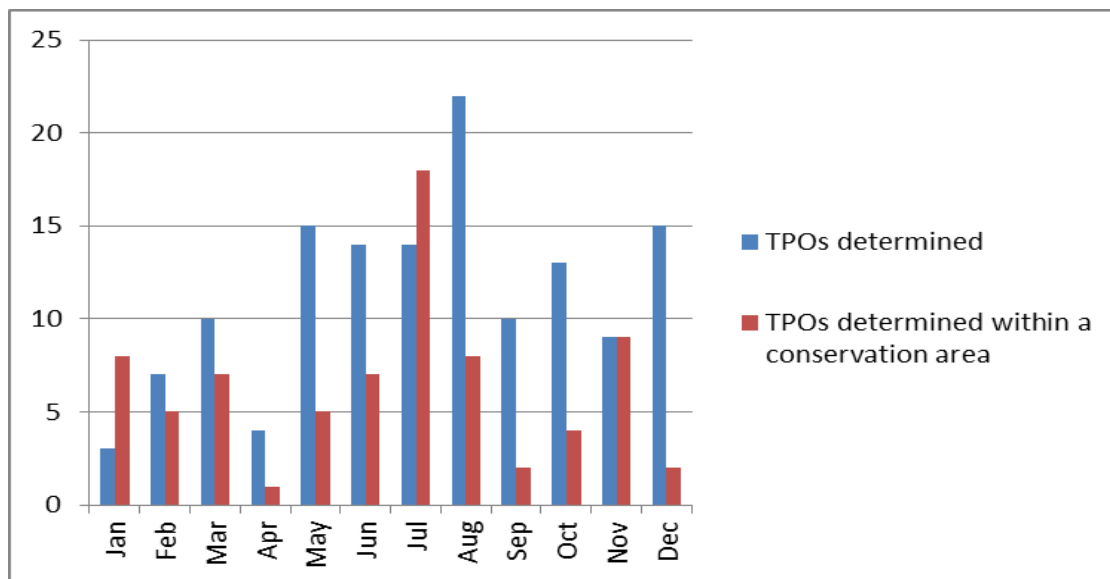


Figure 2 : TPO applications determined from January 2016 to December 2016



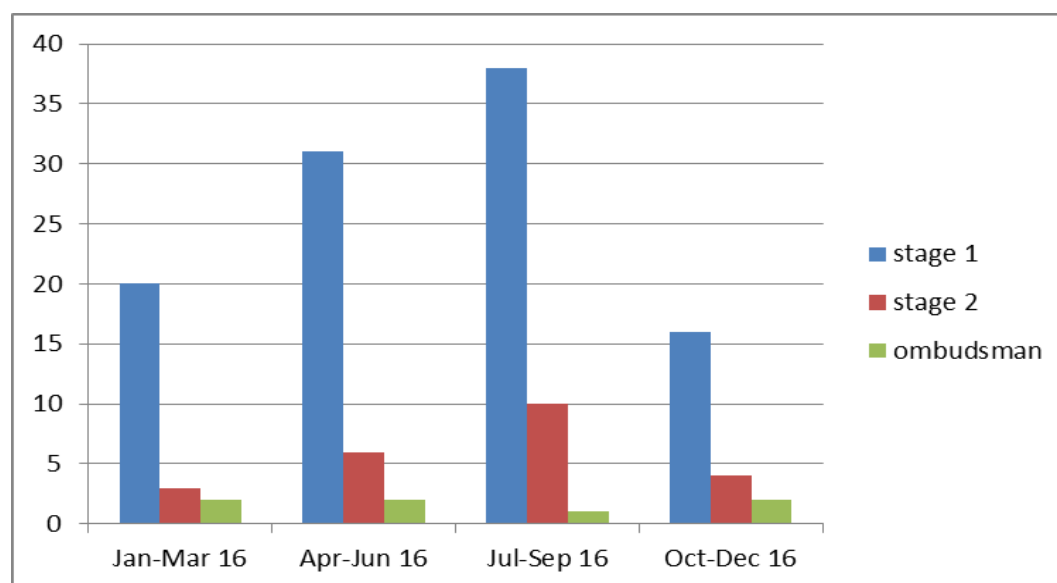
Appendix F : Complaints and Compliments

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 25 complaints were answered, with 92% being answered within the target time of 10 working days, 6 of which had been escalated to Stage 2. 19 complaints were dismissed where no fault was found. 5 were partially upheld and 1 was upheld due to a delay in determining the application.

The Ombudsman received two complaints during the quarter, one was closed without investigation as no personal injustice has arisen and one was investigated by the LGO who found no fault.

The Planning Service has received a number of compliments during the quarter from both internal and external customers. Comments include *'It's a really forward thinking approach and shows that Medway are living up to the principles of the Planning Protocol recently launched to ensure effective communication and increase planning certainty and consistency'* and *Planning officers are always under severe pressure but my Architect informs me that the written advice was received in less than a week after the meeting on site. Thank you again'*.