

PLANNING COMMITTEE

30 AUGUST 2017

PERFORMANCE REPORT: 1 APRIL 2017 TO 30 JUNE 2017

Report from: Richard Hicks, Director of 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 2017 to 30 June 2017 the authority received 403 planning applications; this is compared to 402 for the same period

in 2016. For the year 2016/17 the authority received 1543 applications, this compares to 1421 in 2015/16.

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 100%. Applications subject to an extension of time is 89.89%. This is against a target of 60%.

Performance for minor applications **not** subject to an extension of time during the quarter is 96.36%. Applications subject to an extension of time is 80%. This is against a target of 65%.

Performance for other applications **not** subject to an extension of time during the quarter is 98.56%. Applications subject to an extension of time is 83.33%. 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 2017), 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 74 applications with Planning Extension Agreements were decided, this compares to 81 in the previous quarter (see Appendix C). Comparing performance against national data for the period January to March 2017, 88% of applications were determined within the agreed extended timeframe nationally compared to 82% by Medway.
- 3.4 Three Planning Performance Agreements (PPA's) were entered into during the quarter. These related to:
 - Chatham Quayside (Formerly Colonial House)
 - Bakersfield
 - Land south of Ratcliffe Highway
- 3.5 The percentage of appeals allowed during the quarter is 14%, this compares to 31% for the previous quarter. Appeals decided comprise 7 delegated decisions and no Committee overturns to refusals. There were no applications for costs (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 Following an assessment day in June, the Planning Service retained its ISO accreditation with no non-conformities.

A new assessor undertook this assessment, which normally causes a few concerns as they look at things very differently. This gentleman was no exception and was incredibly thorough but could find no non-conformities and in his closing meeting he described the staff that he met as passionate about their work and knowledgeable of all Council processes and procedures and why they are in place.

The service will undertake a readiness review in October in preparation to transitioning to 9001: 2015.

4. Advice and analysis

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

5. Consultation

- 5.1 The Housing White Paper 'Fixing our Broken Housing Market' was issued in February 2017. The White Paper is a consultation document setting out the concerns about the current housing crisis. It puts forward a number of proposals as to how the Government intends to go about 'fixing' the problem.

Government has set out revised criteria for designating a local planning authority as underperforming. The thresholds that authorities will be assessed against from the first quarter of 2017 are 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. The threshold for the 2018 assessment period increases to 60%.
- 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. The threshold for the 2018 assessment period increases to 70%.

Medway will be working to achieve the 2018 threshold targets from 1 April 2017.

- 5.2 Consultation on the Local Plan Development Options document ran from 16 January to 30 May 2017. Over 30 meetings and public exhibitions were held during this time and 650 people attended consultation events across Medway. Key concerns are the impact of development on infrastructure and the need for growth to be supported by investment in services. Over 330 written responses were received to the consultation, together with around 11,000 specific representations on Lodge Hill and over 500 relating to a new stadium for Gillingham Football Club.

The Planning Service has recorded all written comments as part of the formal process of the plan preparation. These will be published and submitted with the draft Local Plan to the Planning Inspectorate for independent Examination. Planning officers are now carrying out a detailed analysis of the consultation responses to inform the next stage of the plan. Further consultation will take place in early 2018 with details of proposed sites identified as the most sustainable locations for growth and draft policies.

- 5.3 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 £12,651.41 has been received via S106 contributions and £7,154.56 has been received for Habitat Regulations Agreements. This makes a total of £19,805.97. 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 £360,950 compared to £140,179 in the previous quarter. Total income for the year 2016/17 was £844,237.04 compared to £845,255.66 in 2015/16. 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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Appendices

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

Background papers

General Development Control Return PS1

General Development Control Return PS2

Appendix A : Applications

Figure 1 *Number of applications received and determined 2014/15 to June 2017*

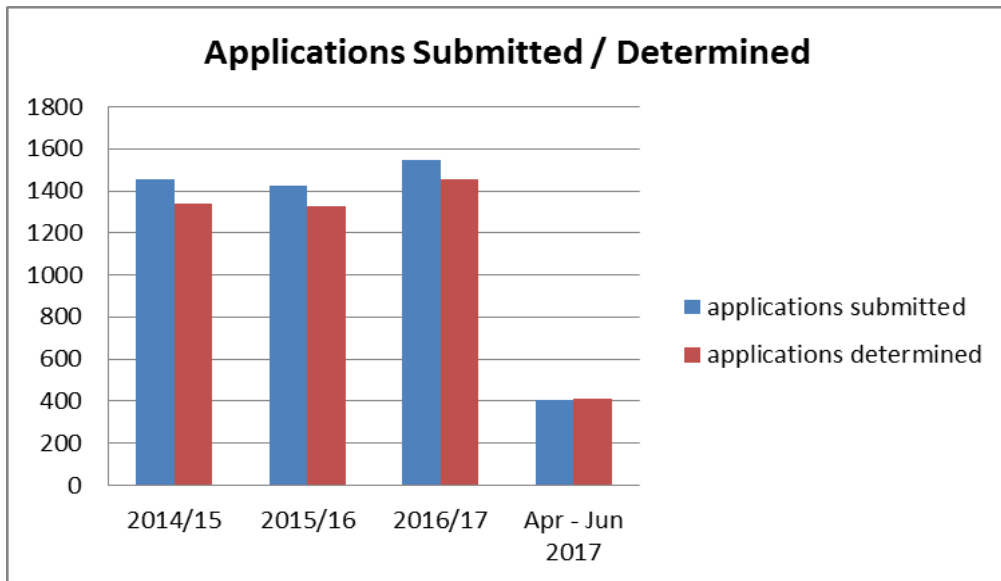


Figure 2 *Percentage of “Major” applications determined against performance target January 2016 to June 2017*

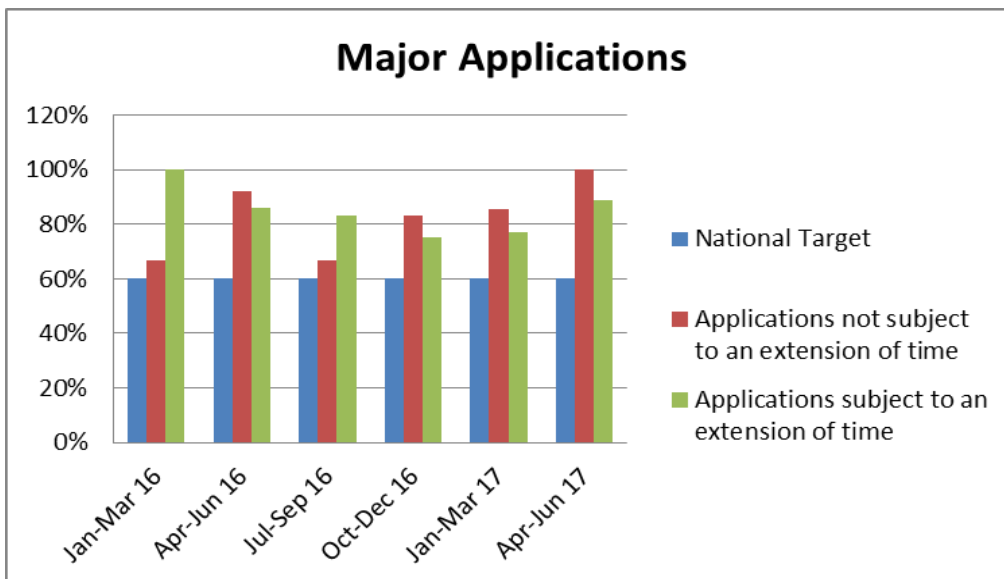


Figure 3 Percentage of “Minor” applications determined against performance target January 2016 to June 2017

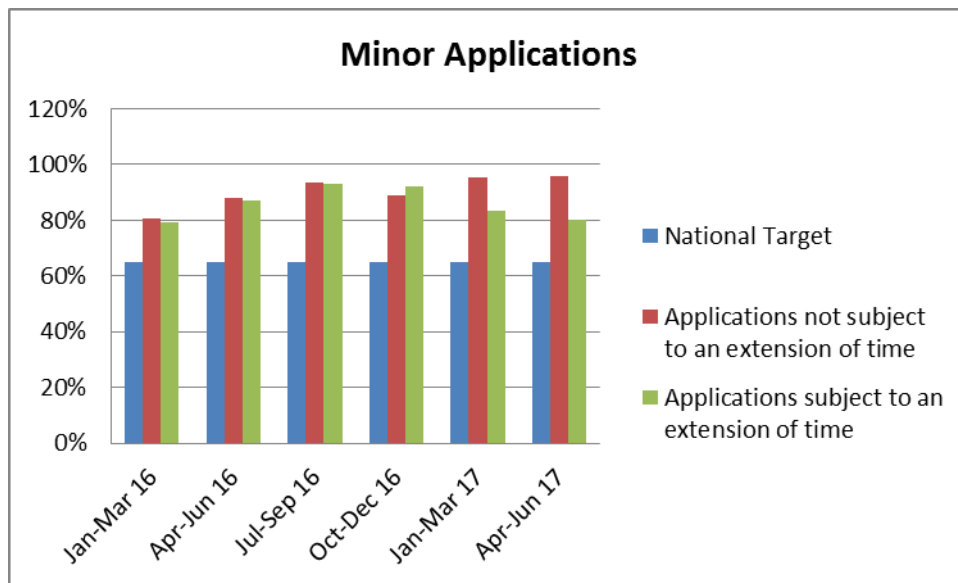


Figure 4 Percentage of “Other” applications determined against performance target January 2016 to June 2017

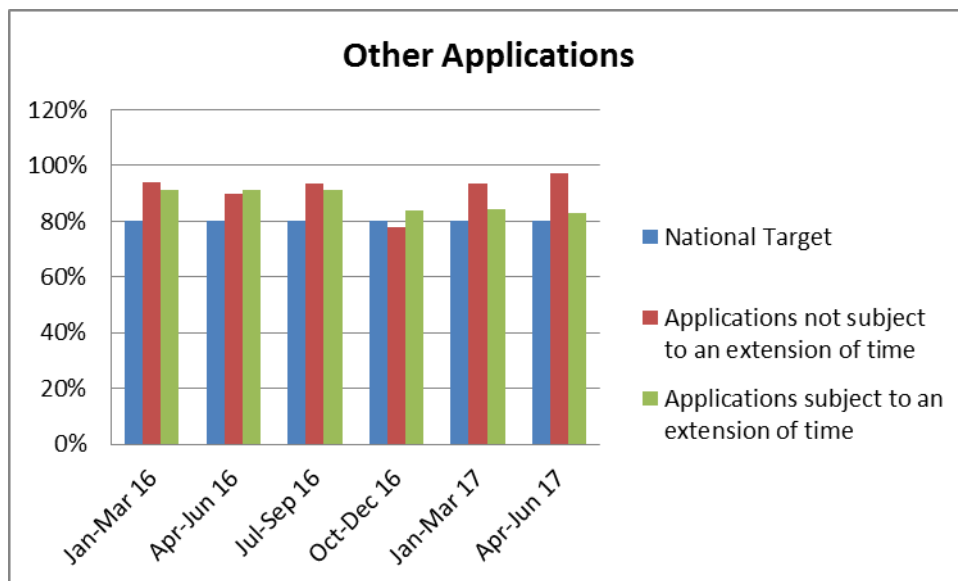
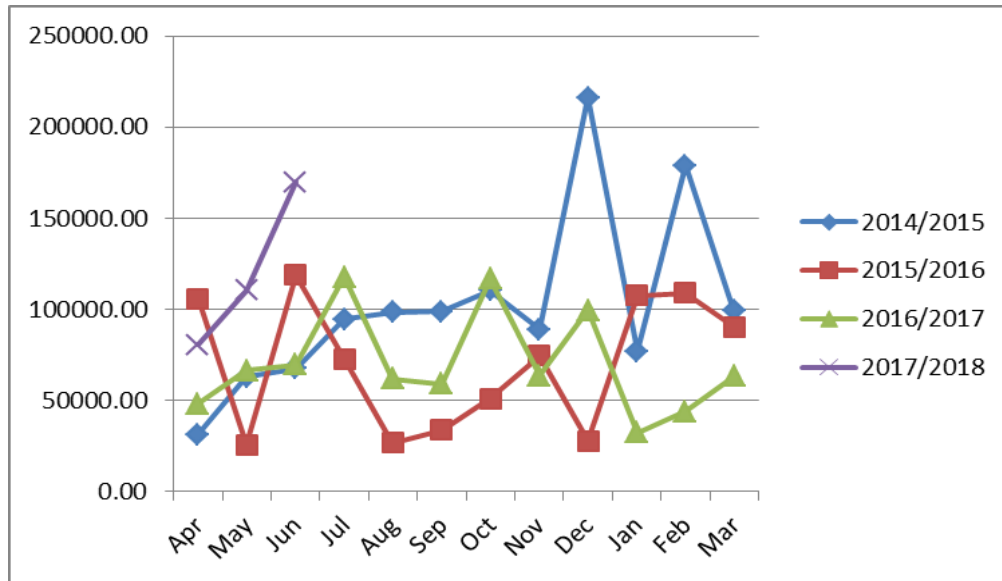


Figure 5 Planning application fees received showing 2014/15, 2015/16, 2016/17 and April to Jun 2017



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, which is January to March 2017.

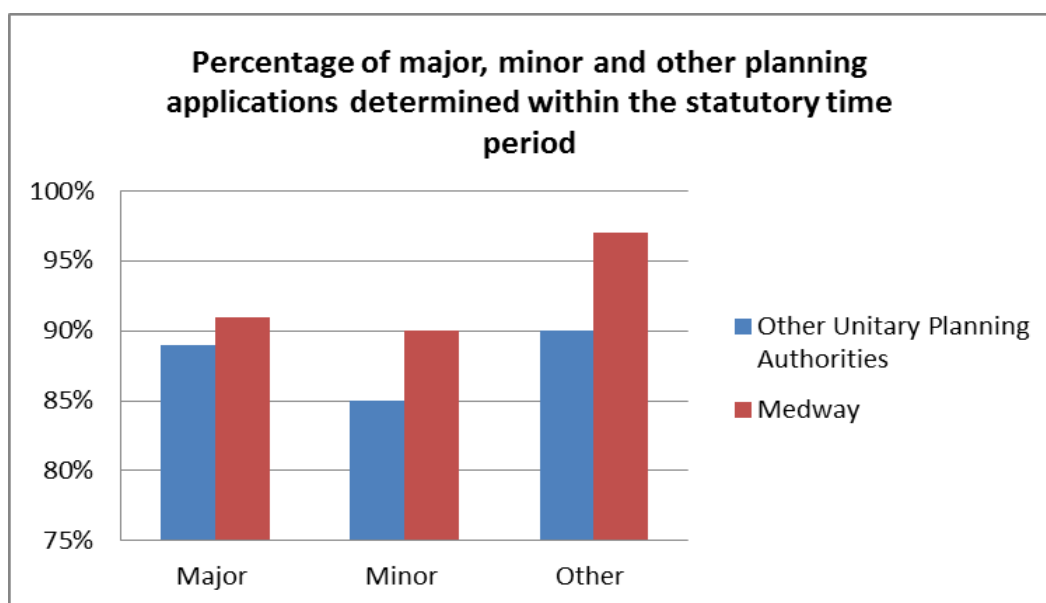
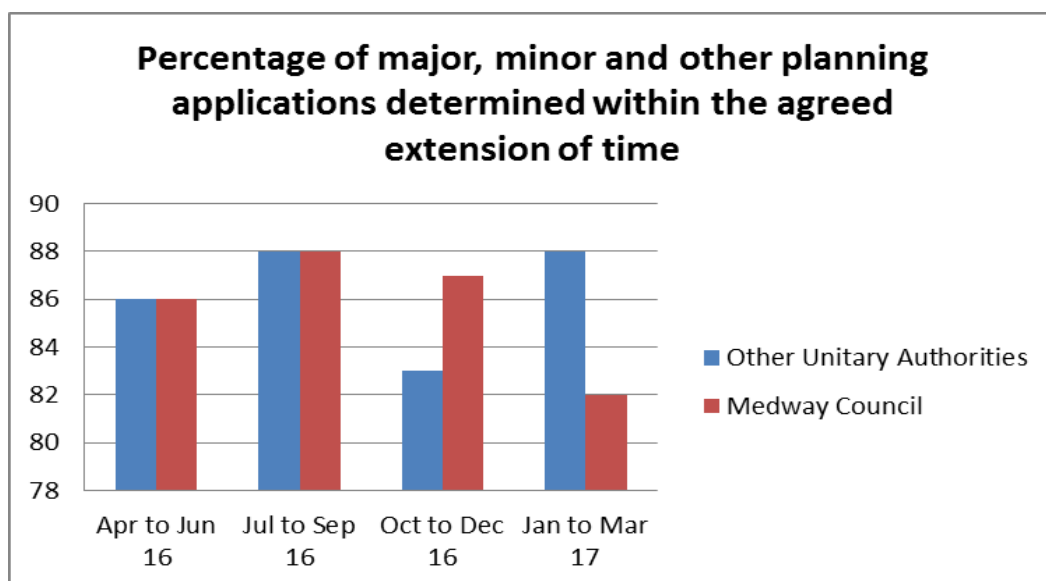


Figure 2 - Applications with a Planning Extension Agreement

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



Appendix C : Appeals

Figure 1 *Number of appeals received from April 2016 to June 2017*

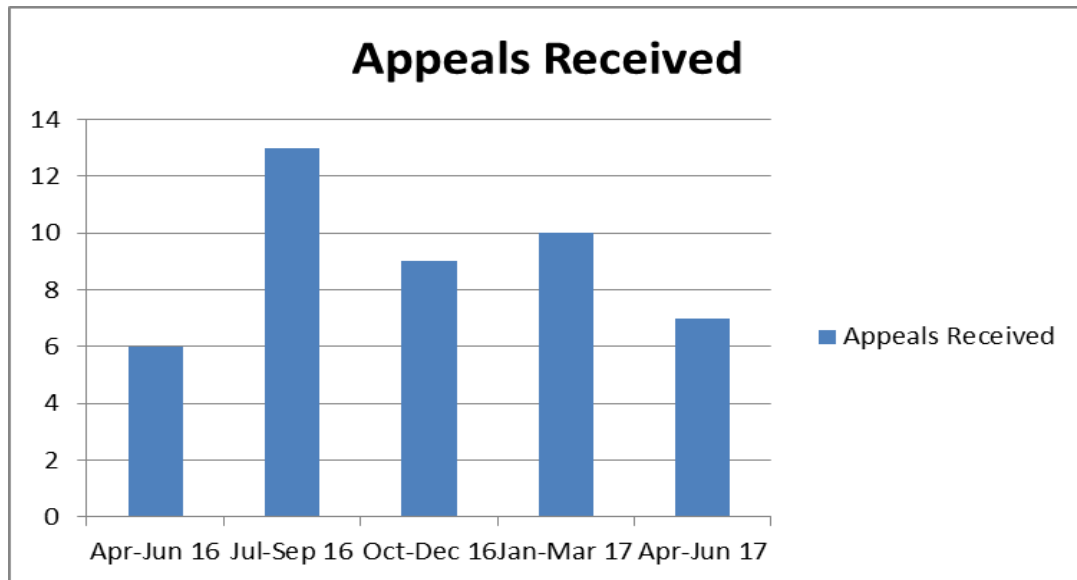
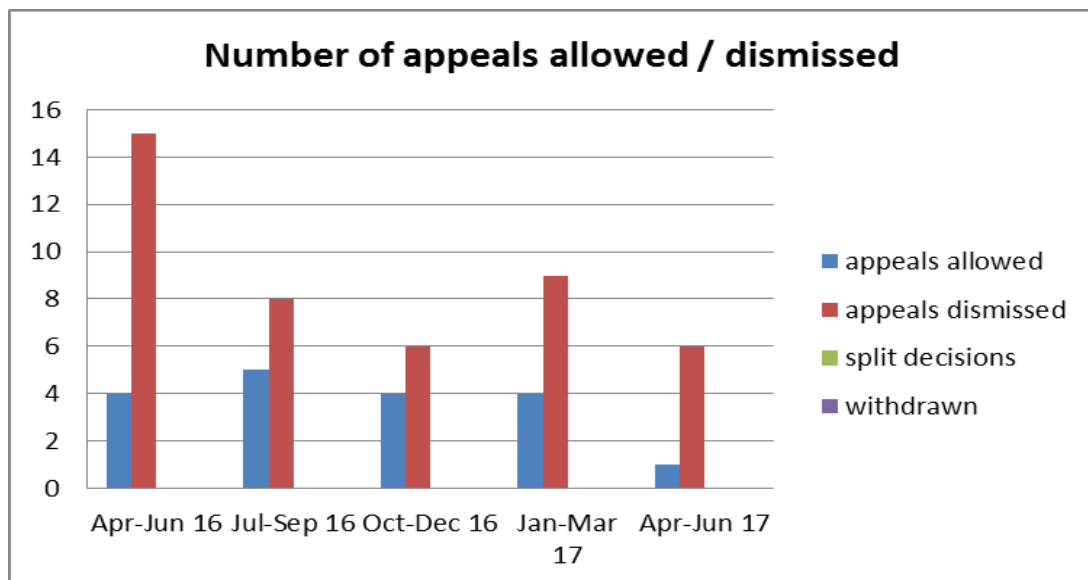
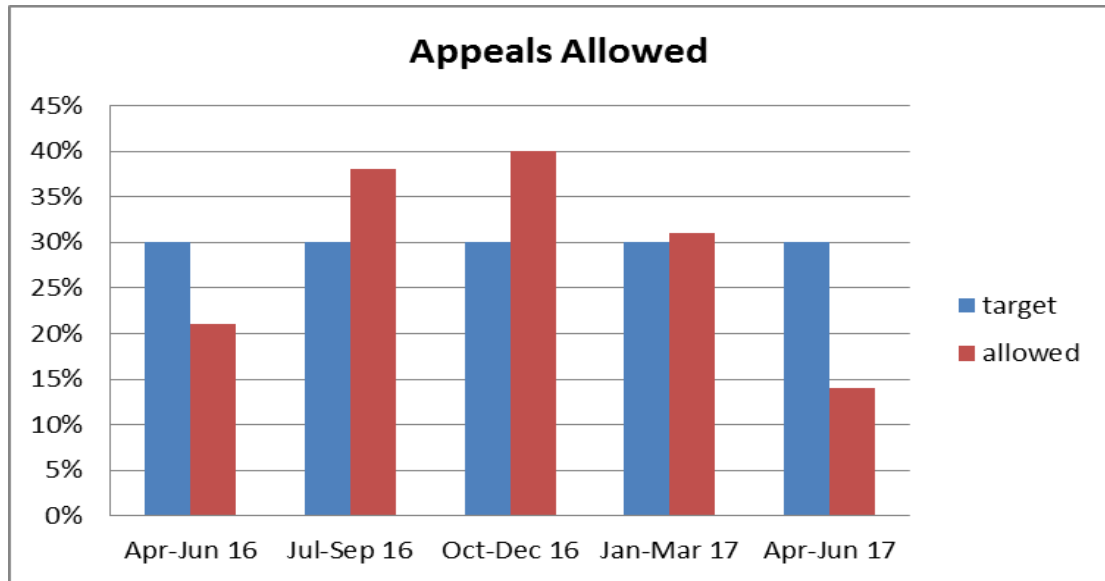


Figure 2 *Number of Appeals allowed / dismissed April 2016 to June 2017*



**Figure 3 : Percentage of appeals allowed against target of 30%
April 2016 to June 2017**



Appendix D : Enforcement

Figure 1 Number of enforcement notices served and prosecutions
April 2016 to June 2017

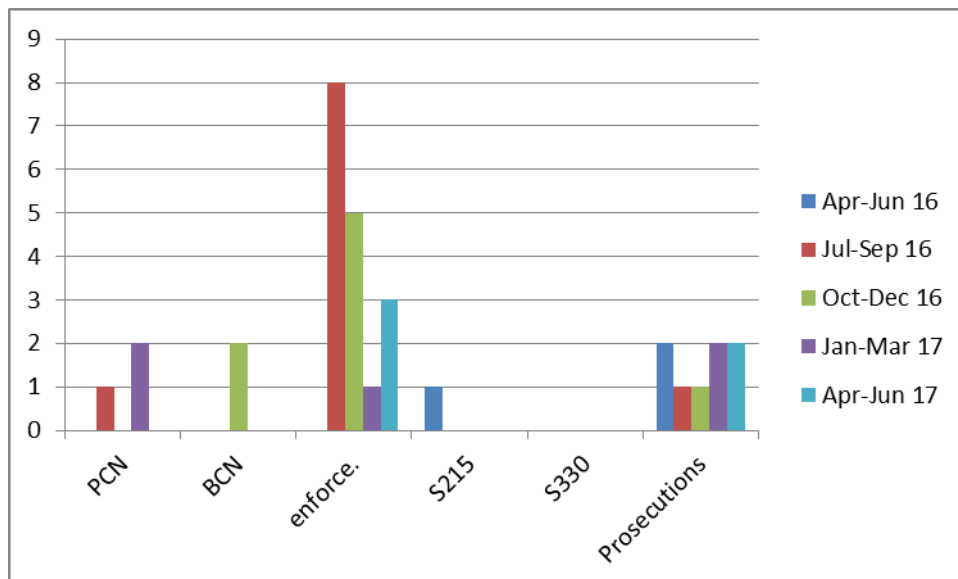
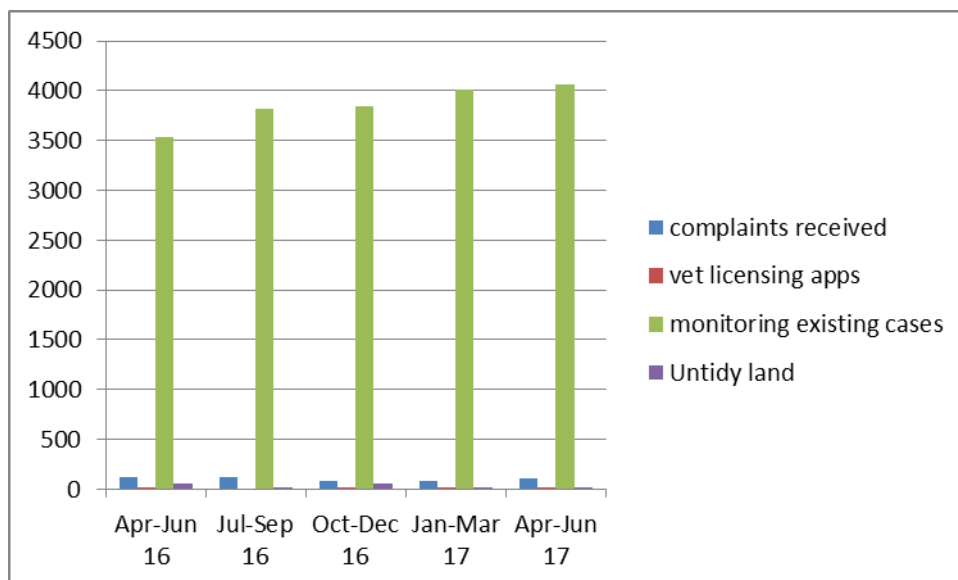


Figure 2 Number of enforcement related complaints and activities
April 2016 to June 2017



Appendix E : Tree Preservation Order Applications

Figure 1 : TPO applications received from July 2016 to June 2017

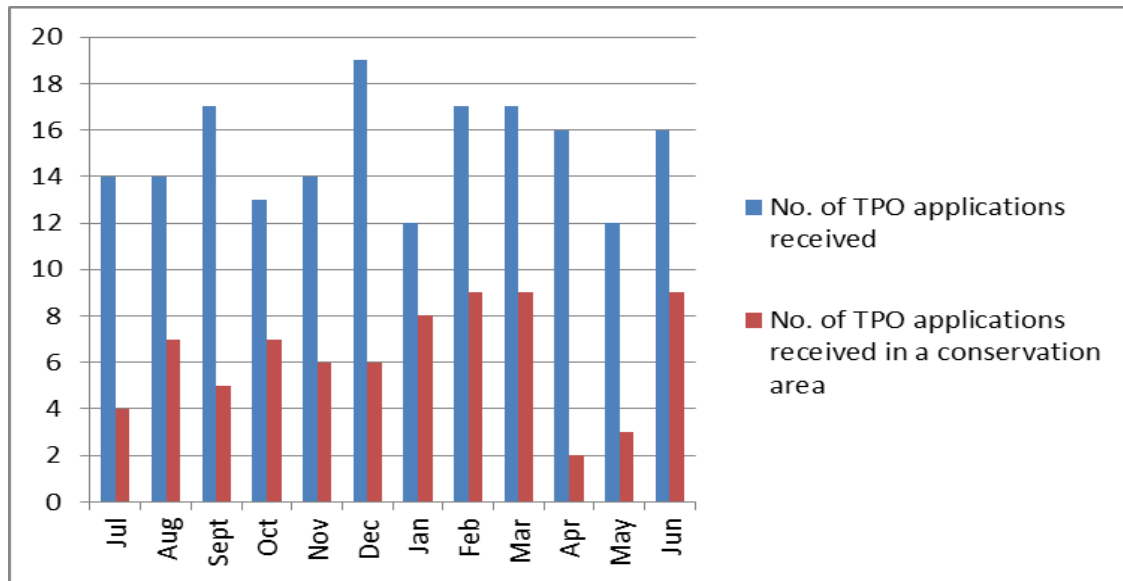
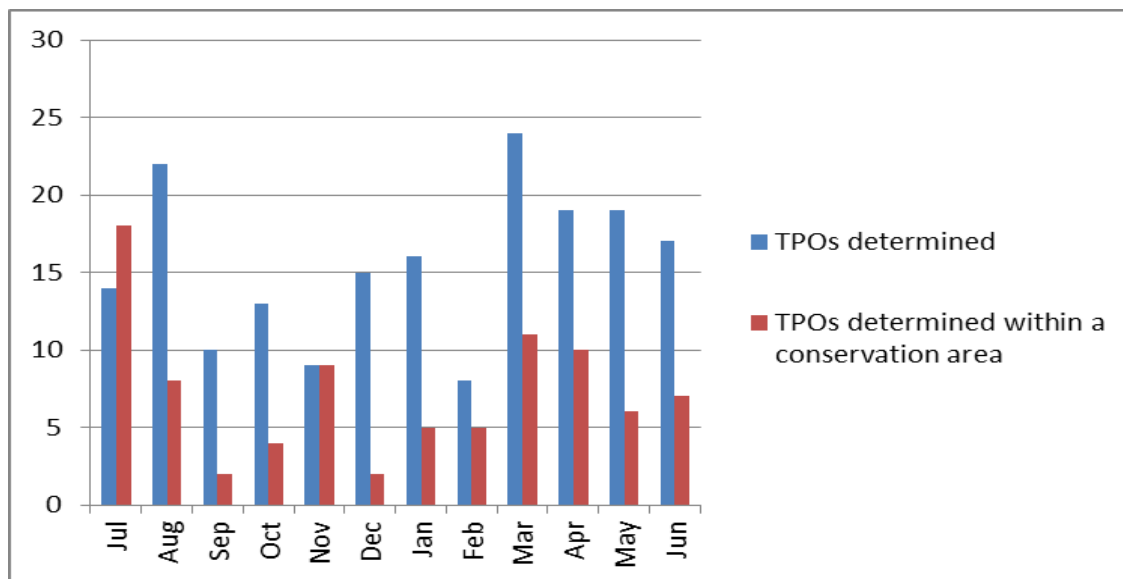


Figure 2 : TPO applications determined from July 2016 to June 2017



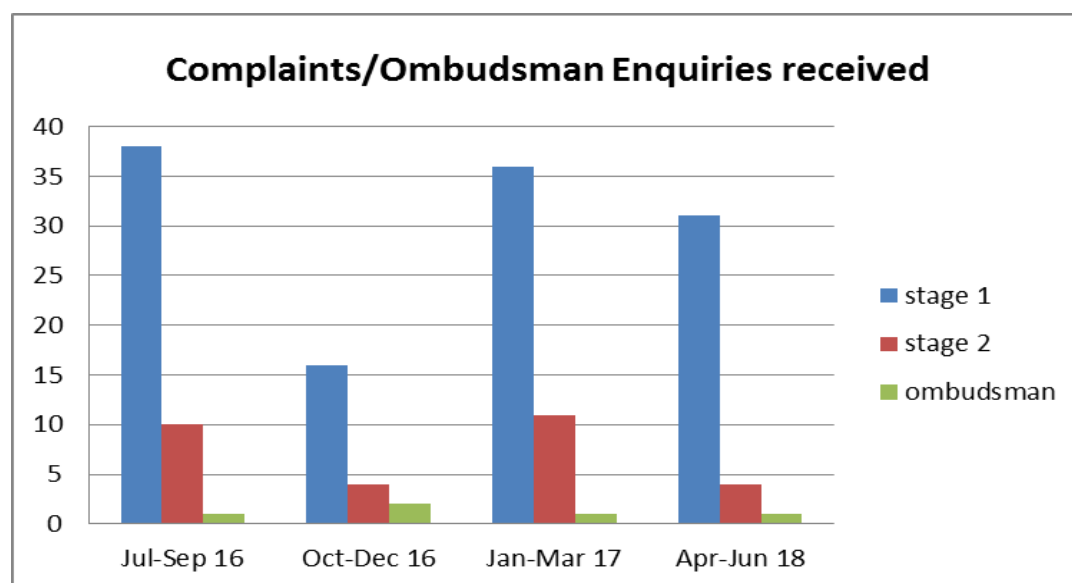
Appendix F : Complaints and Compliments

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 38 complaints were answered, with 84% being answered within the target time of 10 working days, 4 of which had been escalated to Stage 2. 30 complaints were dismissed where no fault was found. 5 were partially upheld and 3 were upheld due to a delay in determining the application.

The Ombudsman received one complaint during the quarter, relating to an alleged unauthorised window in the side wall of a property. The outcome of this investigation is not yet known.

Three investigations were determined by the Ombudsman during the quarter, finding fault in one case where windows serving a habitable were not considered properly. Although it was considered unlikely the outcome would have been different, the Council offered a sum of £200 to the complainant for time and trouble. The complainant accepted this offer on the grounds the money was donated to charity. In relation to the other two investigations, the Ombudsman found no evidence of fault by the Council and closed the complaints.

The Planning Service has received a number of compliments during the quarter from both internal and external customers. Comments include

*'productive meetings have led to a really exciting scheme for the area' and
'Medway's DM team are the best team with the whole UK'.*