PLANNING COMMITTEE

22 NOVEMBER 2017

PERFORMANCE REPORT: 1 APRIL 2017 TO 30 SEPTEMBER 2017

Report from: Richard Hicks, Director

Regeneration, Culture, Environment and Transformation and Deputy Chief Executive

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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 70% of applications within 8 weeks.

Other Developments: to determine 70% 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 September 2017 the authority received 801 planning applications; this is compared to 778 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 six month period is 83.33%. Applications subject to an extension of time is 94.12%. This is against a target of 60%.

Performance for minor applications **not** subject to an extension of time during the six month period is 95.37%. Applications subject to an extension of time is 85.29%. This is against a target of 70%.

Performance for other applications **not** subject to an extension of time during the six month is 97.07%. Applications subject to an extension of time is 85.45%. This is against a target of 70%.

Appendix A, figures 2, 3 and 4 show 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 (April to June 2017), Medway performed significantly above the national average for minor and other applications but slightly below the national average for major 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. Two additional Planners and one additional Senior Planner have been appointed, initially paid from PPA payments, to assist in dealing with workload pressures.

3.3 During the six month period, 140 applications with Planning Extension Agreements were decided; this compares to 155 in the previous six months (see Appendix C). Comparing performance against national data for the period April to June 2017, 88% of applications were determined within the agreed extended timeframe nationally compared to 86% by Medway.

3.4 Five Planning Performance Agreements (PPA's) were entered into during the six month period. These related to:

- Chatham Quayside (Formerly Colonial House)
- Bakersfield
- Land south of Ratcliffe Highway

- 25 Corporation Street, Rochester - 140 bed hotel development
- Chattenden Lane, Chattenden – Up to 530 dwellings

3.5 The percentage of appeals allowed during the six month period is 21%. Appeals decided comprise 11 delegated decisions, one Committee decision in line with officer's recommendation and one Committee overturn to refusal. Two related to enforcement action and one was withdrawn, this related to Lodge Hill. Medway made one application for costs of £7,257 (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 undertook a readiness review in October in preparation to transitioning to ISO 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 From August 2017 Government restarted the publication of appeals data provided by the Planning Inspectorate. This will assist Local Planning Authorities to measure the quality of their decision making. The experimental data published shows the percentage of decisions overturned at appeal for Medway between July 2014 and June 2016 is 0.7%. The threshold has been set by Government at 10%.

5.4 The publication in September of DCLG consultation " right homes in the right places" promotes a standard housing need requirement along with introducing the idea of a statement of common ground, planning for a mix of housing needs, amendments to neighbourhood planning, more detailed viability assessments in plan making, improved transparency and the possibility of further changes to planning fees. The Council responded to the consultation on 9 November 2017.

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 six month period £1,042,797 has been received via S106 contributions and £44,939 has been received for Habitat Regulations Agreements. This makes a total of £1,087,736. 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 Councils decisions are being defended thoroughly and that appropriate and defendable 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 defendable 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 six month period is £714,345. 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 That the report be noted.

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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 September 2017***

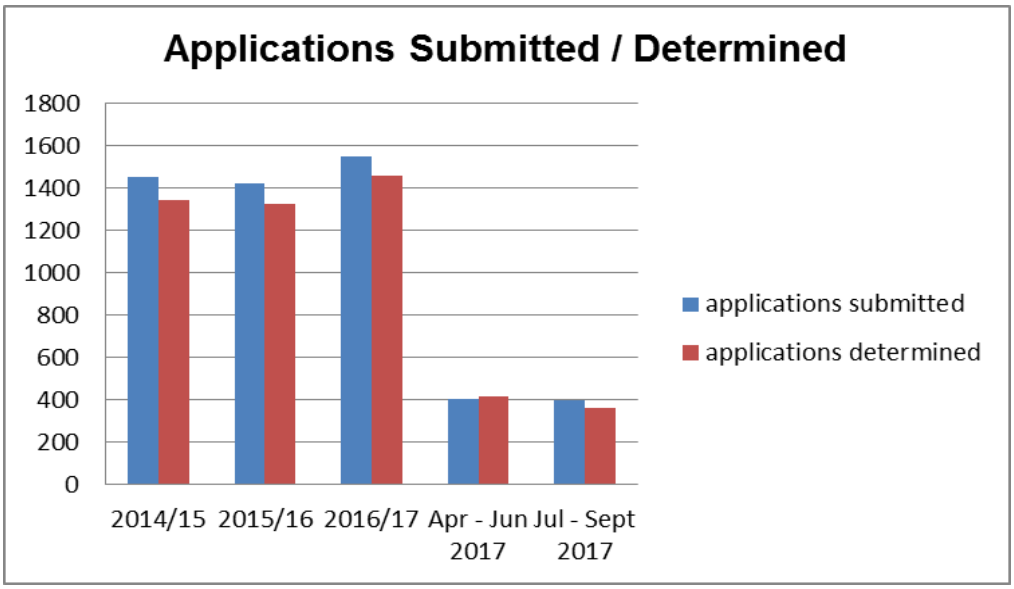


Figure 2 **Percentage of "Major" applications determined against performance target April 2016 to September 2017**

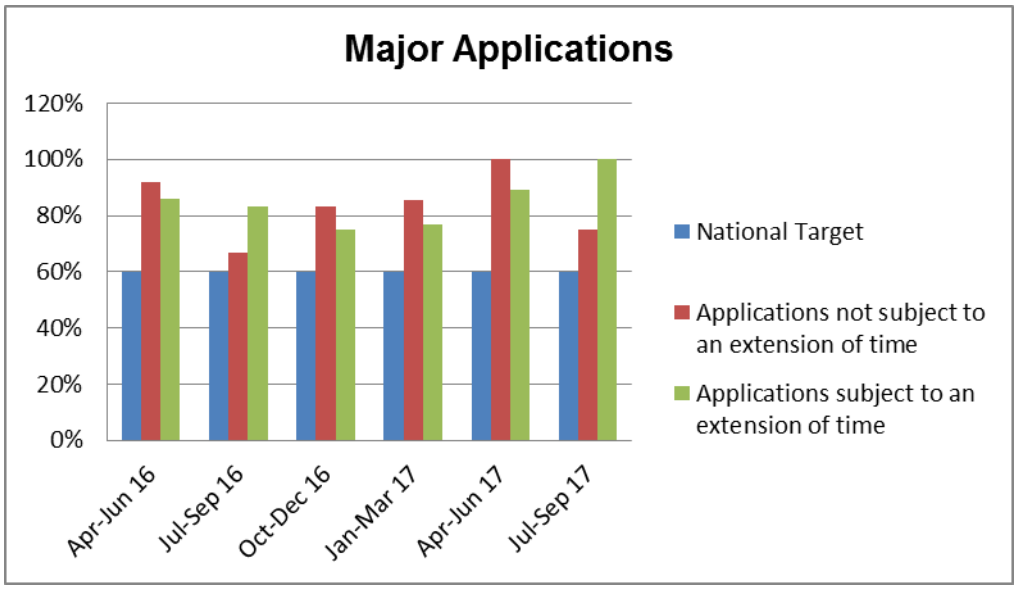


Figure 3 **Percentage of "Minor" applications determined against performance target April 2016 to September 2017**

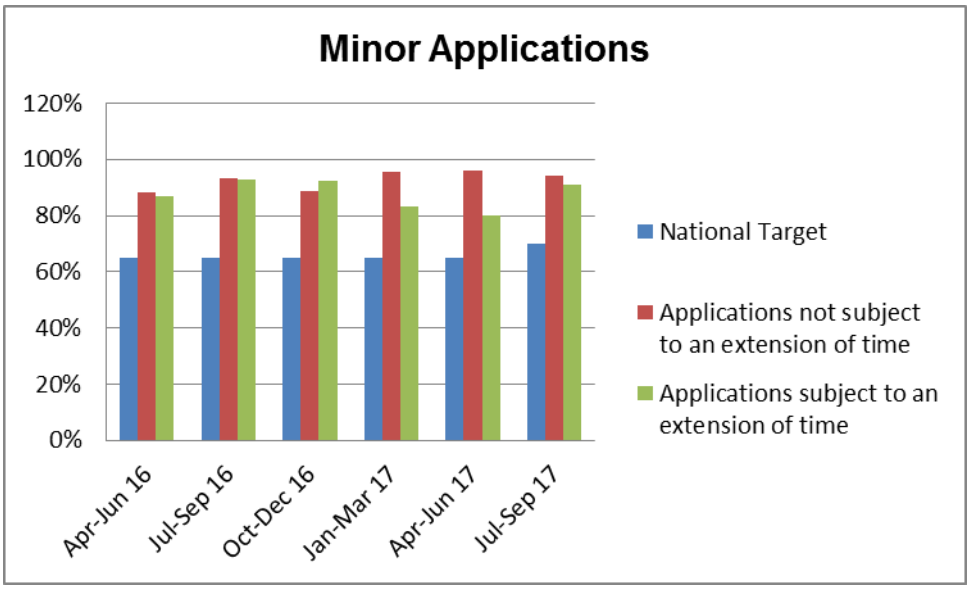


Figure 4 **Percentage of "Other" applications determined against performance target April 2016 to September 2017**

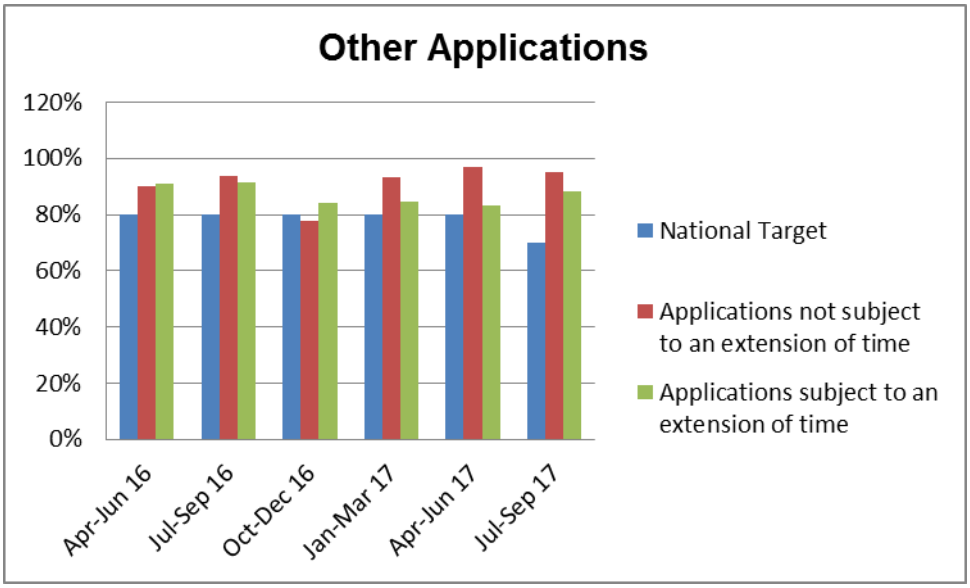
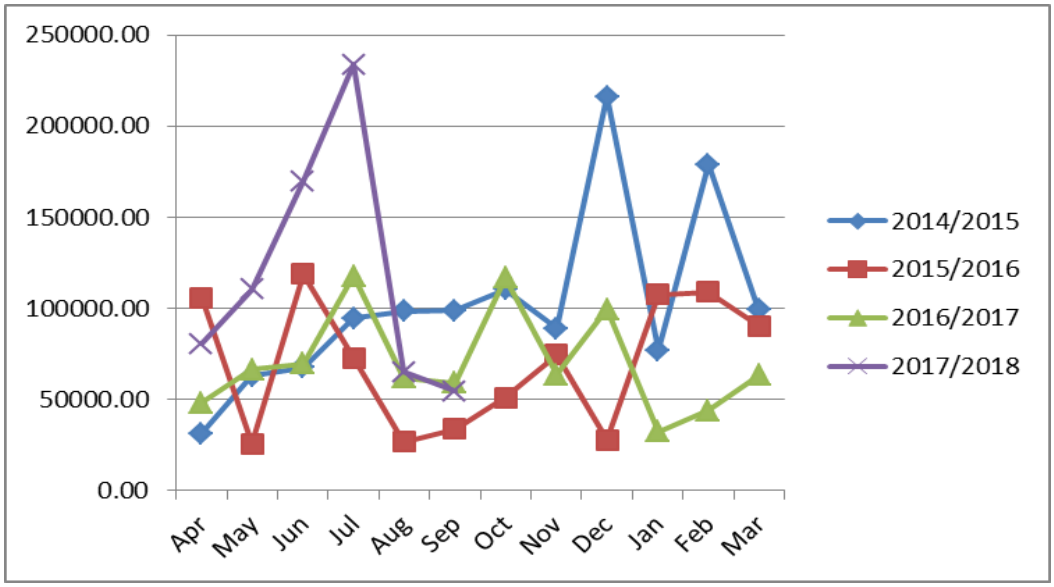


Figure 5 **Planning application fees received showing 2014/15, 2015/16, 2016/17 and April to September 2017**



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 April to June 2017.

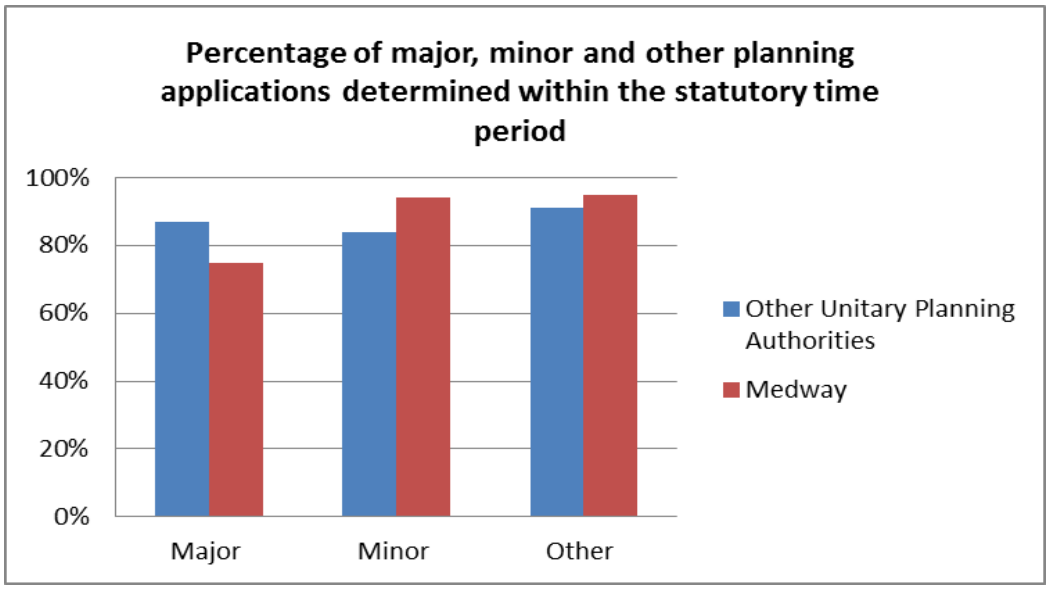
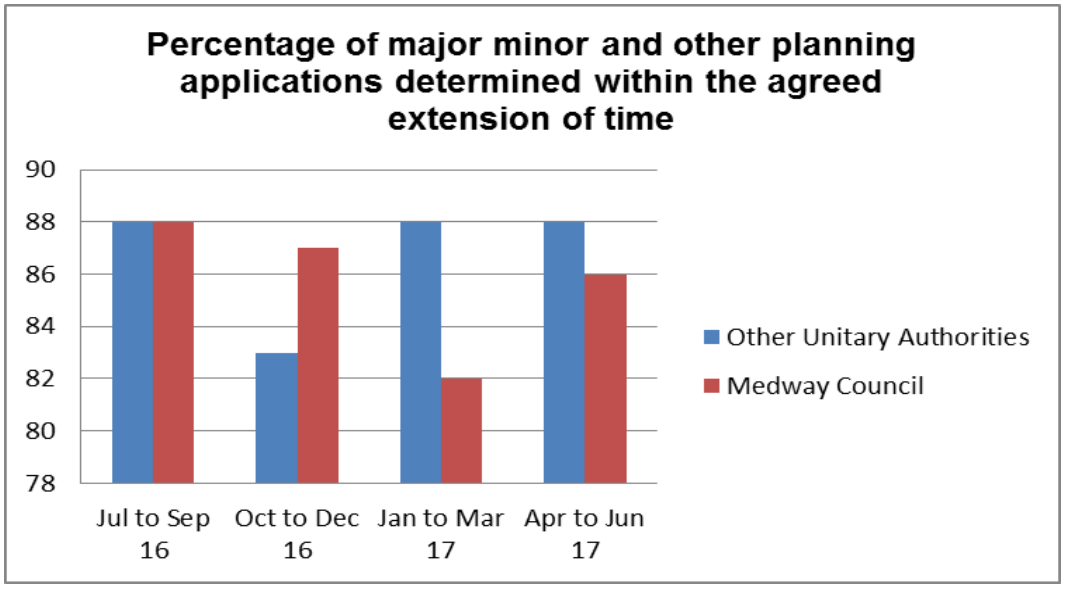


Figure 2 - Applications with a Planning Extension Agreement

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 September 2017***

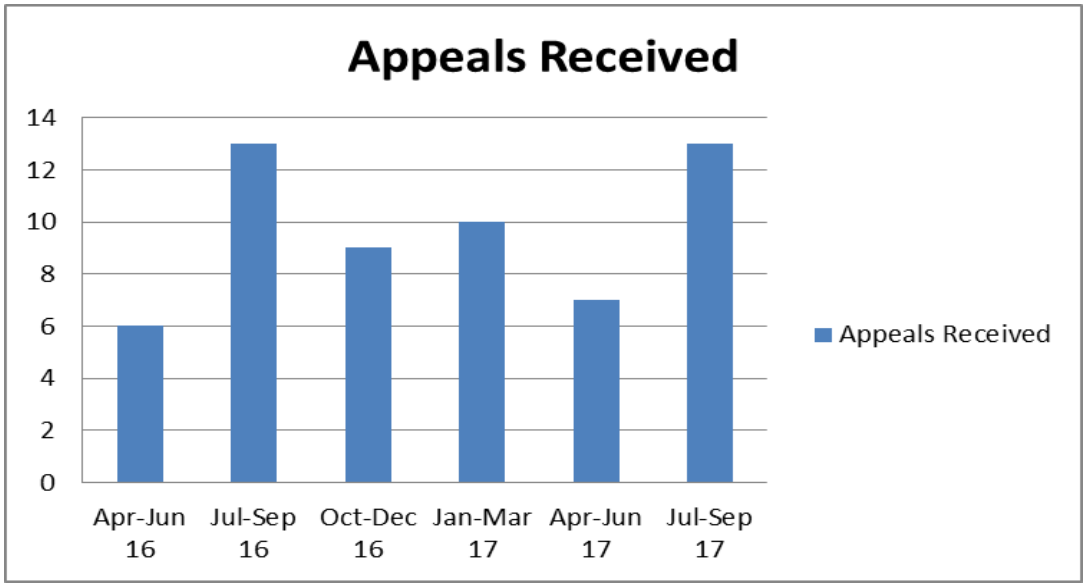


Figure 2 ***Number of Appeals allowed / dismissed July 2016 to September 2017***

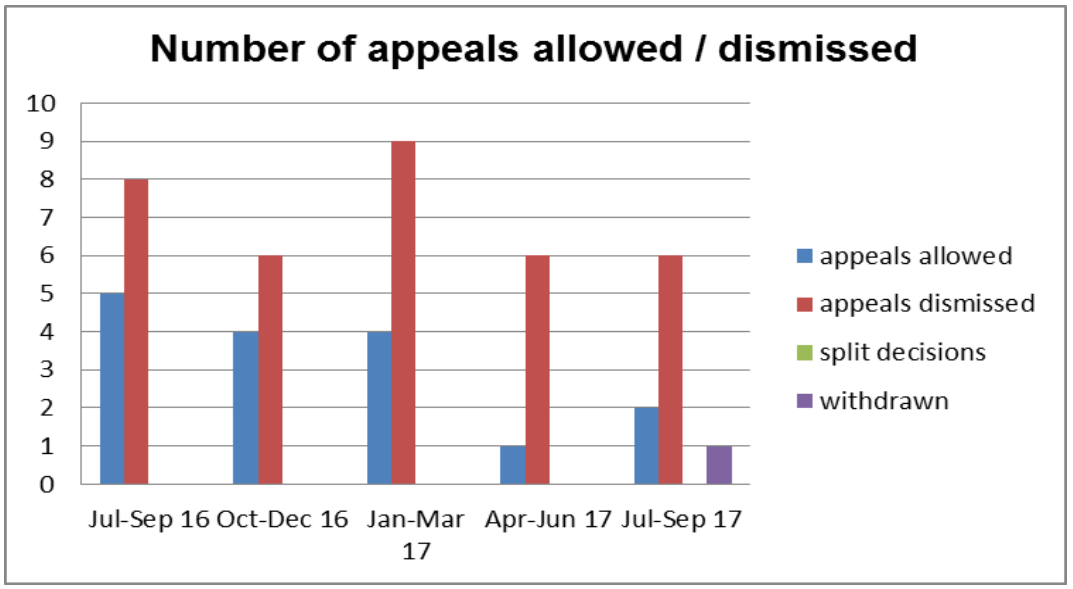
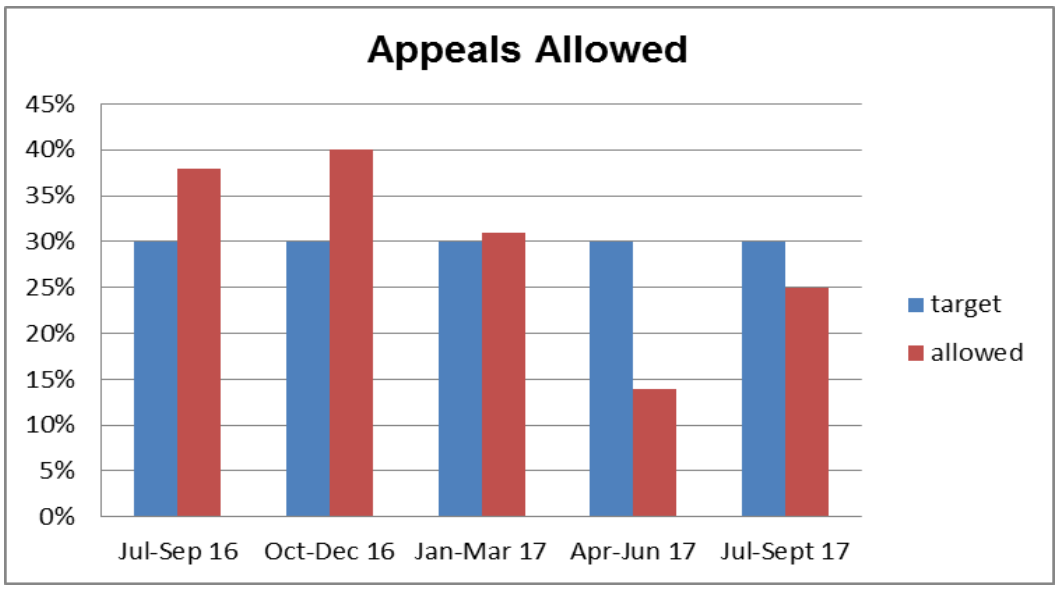


Figure 3 : Percentage of appeals allowed against target of 30% July 2016 to September 2017



Appendix D : Enforcement

Figure 1 **Number of enforcement notices served and prosecutions July 2016 to September 2017**

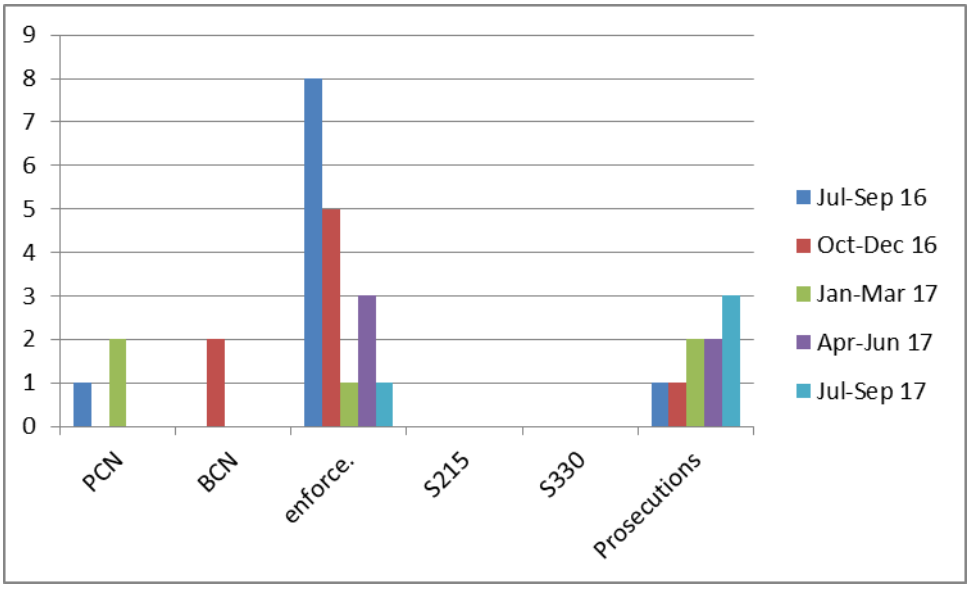
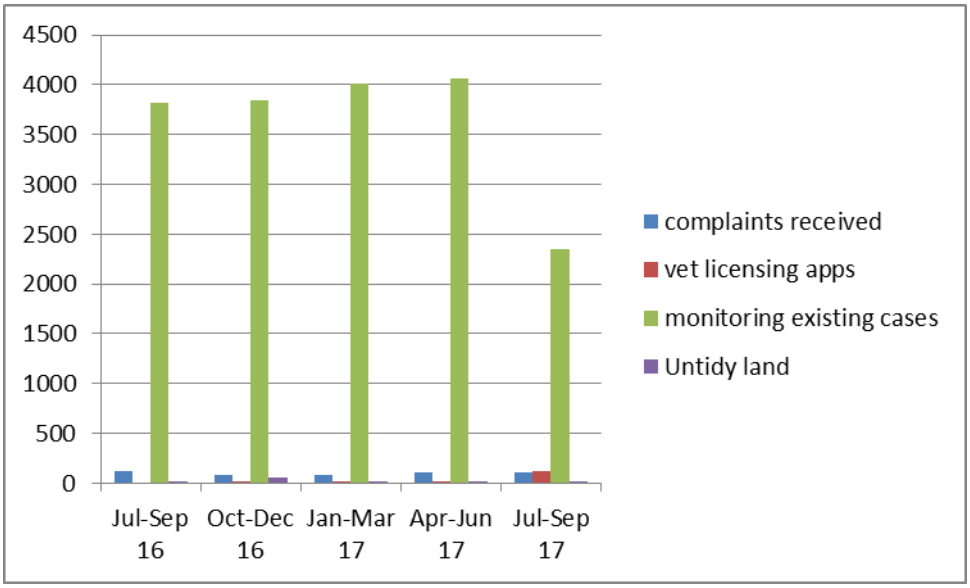


Figure 2 **Number of enforcement related complaints and activities July 2016 to September 2017**



Appendix E : Tree Preservation Order Applications

Figure 1 : TPO applications received from October 2016 to September 2017

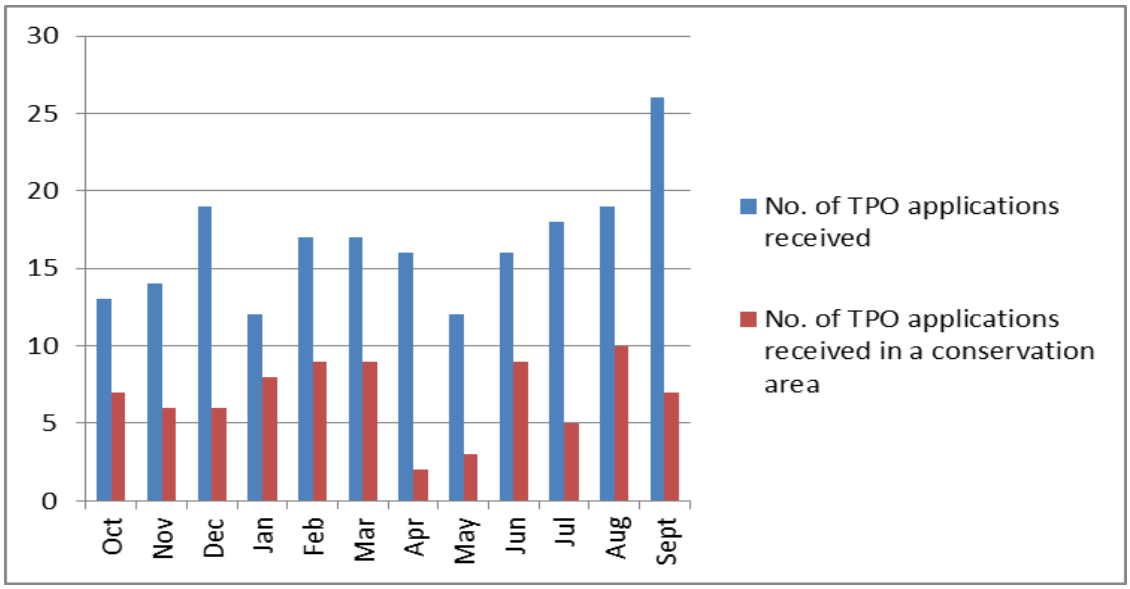
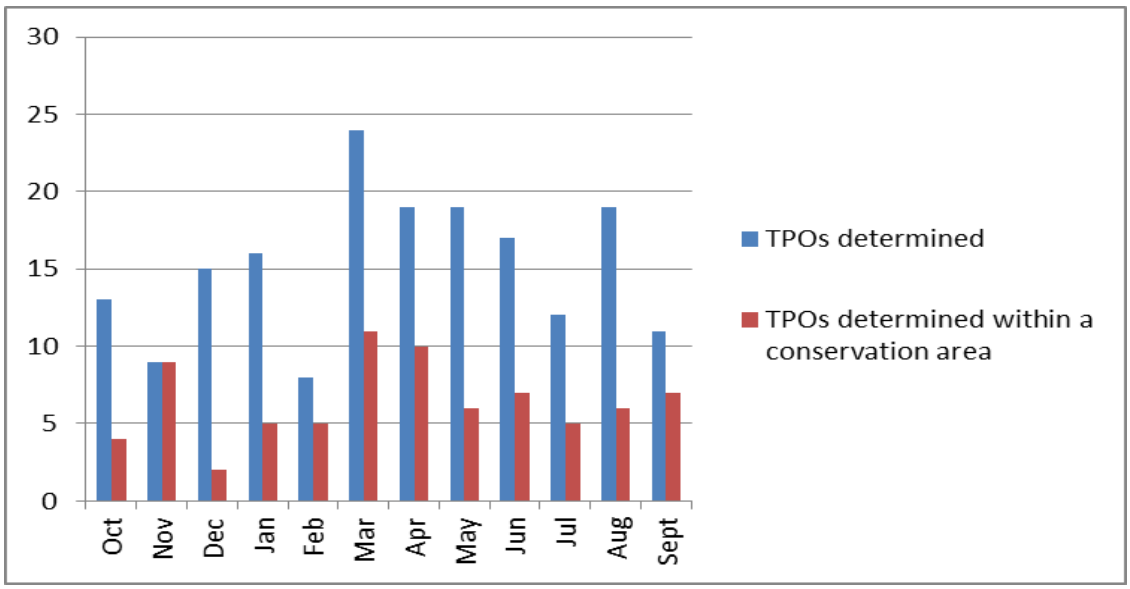


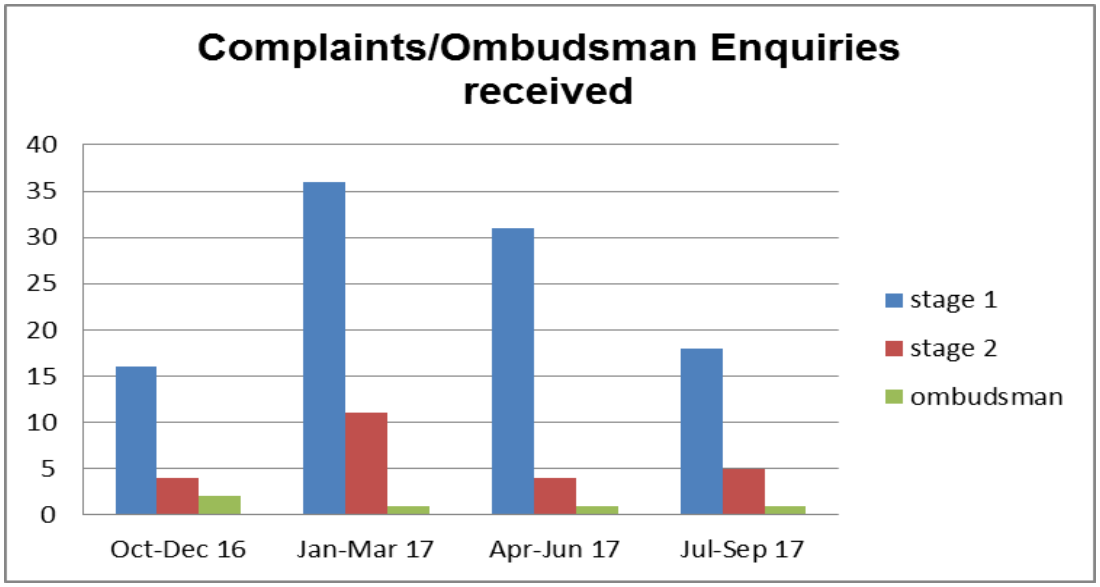
Figure 2 : TPO applications determined from October 2016 to September 2017



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 six month period 76 complaints were answered, with 92% being answered within the target time of 10 working days, 9 of which had been escalated to Stage 2. 68 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 raised two enquiries during the six month period, one relating to an alleged unauthorised window in the side wall of a property and one relating to a claim that the Council has ignored views of residents regarding a development for 130 dwellings.

Three investigations were determined by the Ombudsman during the six month period, 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 six month period 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’* and our planning customer contact officer ‘*being the most helpful person he has ever spoken to in the Council*’.