

PLANNING COMMITTEE

14 FEBRUARY 2018

PERFORMANCE REPORT: 1 OCTOBER TO 31 DECEMBER 2017

Report from: Richard Hicks, Director
Regeneration, Culture, Environment & 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 October 2017 to 31 December 2017 the authority received 388 planning applications; this is compared to 356 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 50%. Applications subject to an extension of time is 90%. This provides a combined percentage of 79% of major applications determined within 13 weeks or within the agreed timeframe. This is against a target of 60%.

Performance for minor applications **not** subject to an extension of time during the quarter is 89%. Applications subject to an extension of time is 78%. This provides a combined percentage of 85% of minor applications determined within 8 weeks or within the agreed timeframe. This is against a target of 70%.

Performance for other applications **not** subject to an extension of time during the quarter is 99%. Applications subject to an extension of time is 88%. This provides a combined percentage of 98% of other applications determined within 8 weeks or within the agreed timeframe. This is against a target of 70%.

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 2017), Medway performed above the national average for minor and other applications but 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.

- 3.3 During the quarter 67 applications with Planning Extension Agreements were decided, this compares to 66 in the previous quarter (see Appendix C). Comparing performance against national data for the period July to September 2017, 88% of applications were determined within the agreed extended timeframe nationally compared to 91% by Medway.
- 3.4 3 Planning Performance Agreements (PPA's) were entered into during the quarter. These related to:

- Berengrave Nursery – 121 residential dwellings
- Unit D, Horsted Retail Park – construction of drive-thru restaurant, a foodstore and refurbishment of retail unit
- Stoke Road Business Centre – 200 residential dwellings

3.5 The percentage of appeals allowed during the quarter is 44%. Appeals decided comprise 11 delegated decisions, 1 Committee decision in line with officer's recommendation. Three related to enforcement action, one of which was allowed and one appeal was withdrawn. 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 December, the Planning Service successfully transitioned from ISO 9001:2008 to 9001:2015 with no non-conformities.

ISO 9001:2015 focuses on strategic direction and leadership together with opportunity risk management.

The next assessment is scheduled for June 2018.

4. Advice and analysis

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

5. Consultation

5.1 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.

5.2 Work continues on building up the evidence base for the Local Plan, and using the information to assess sites and locations that may be most suitable for Medway's growth over the plan period which runs up to 2035.

A further round of consultation on the new Local Plan is planned in early 2018, when people can view the potential sites and locations which could form the best options for where land could be developed for housing and employment. The proposals will also set out what infrastructure is needed to support development, such as schools and parks, and major transport upgrades.

- 5.3 From August 2017 Government will be restarting the publication of appeals data provided by the Planning Inspectorate. This relates to the number of allowed appeals for major development compared to the number of major applications submitted to the LPA. This will assist Local Planning Authorities to measure the quality of their decision making. The experimental data published shows the percentage of decisions on major applications overturned at appeal for Medway between as a % of the number of major applications received between July 2014 and June 2016 is 0.7%. The threshold has been set by Government at 10%.
- 5.4 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 £381,939 has been received via S106 contributions and £17,012 has been received for Habitat Regulations Agreements. This makes a total of £398,951. 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 fees in England are set nationally by the government. From 17 January 2018, Local Authorities will be able to increase fees by 20% if the additional fee income is invested in the Planning Service.

To increase the planning fees by 20% and invest in the planning service, provides an opportunity to make improvements to resourcing, leading to better services, improved performance and greater capacity to deliver growth as set out in the 'Fixing our broken housing market'. The proposals set out in the Housing White Paper will enable the Council to take steps to secure the financial sustainability of the Planning Service to ensure that the planning system has the skilled professionals it needs to deliver growth.

- 7.3 Planning income during the quarter period is £193,500. Total income for the year 2016/17 was £844,237 compared to £845,255 in 2015/16. See Appendix A, Figure 5.
- 7.4 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.
- 7.5 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 December 2017*

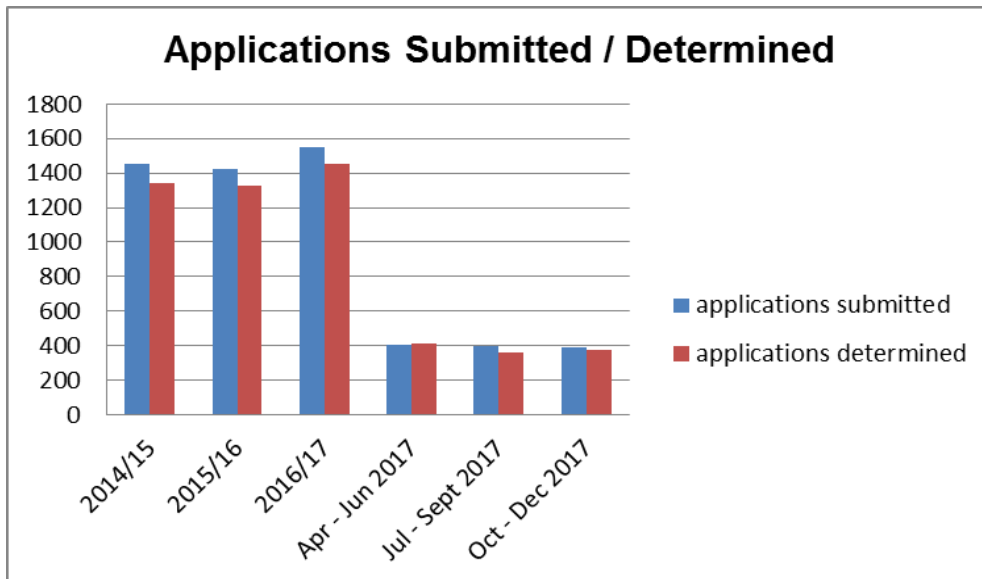


Figure 2 *Percentage of “Major” applications determined against performance target July 2016 to December 2017*

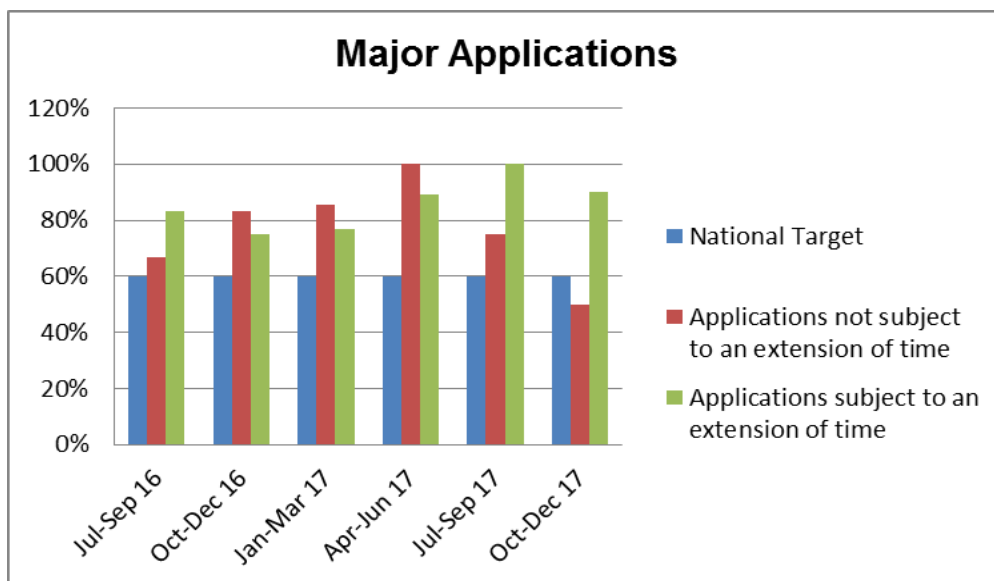


Figure 3 Percentage of “Minor” applications determined against performance target July 2016 to December 2017

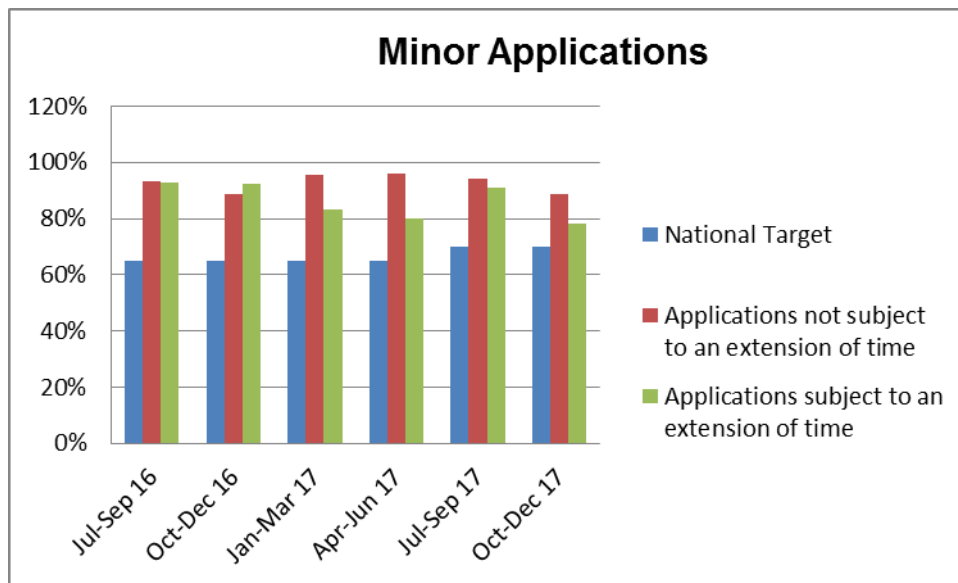


Figure 4 Percentage of “Other” applications determined against performance target July 2016 to December 2017

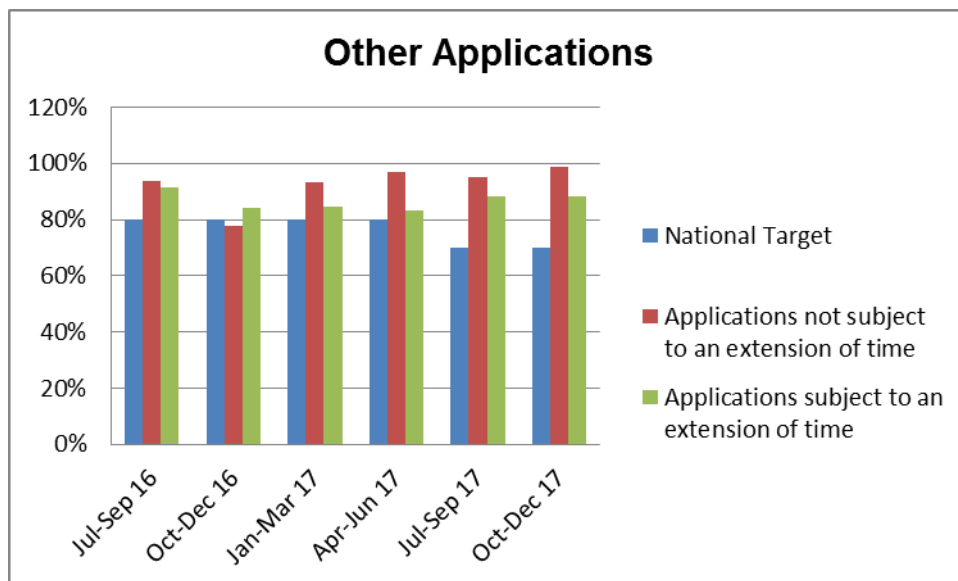
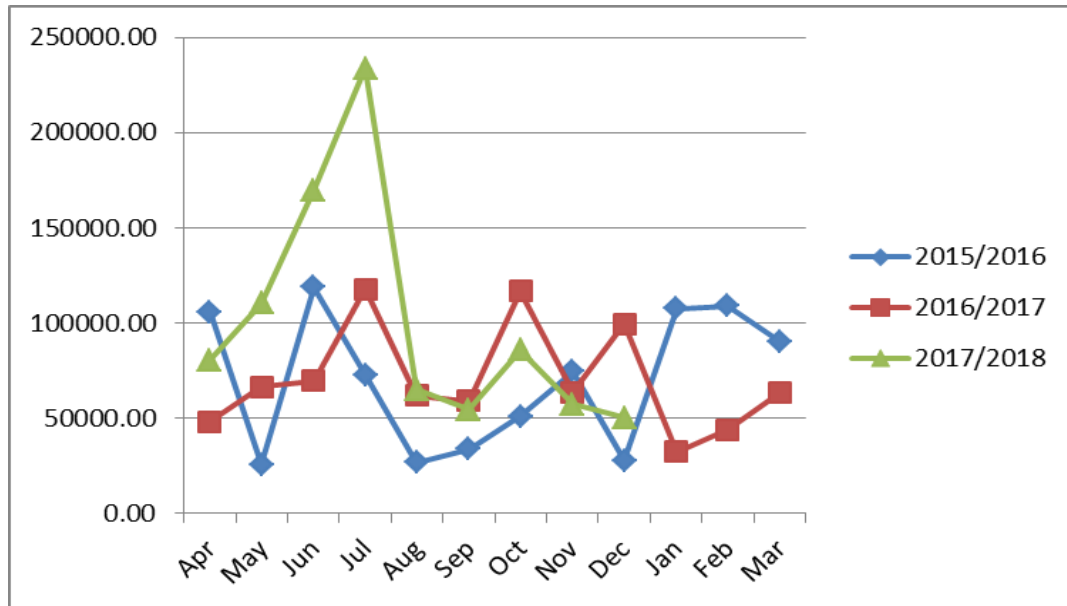


Figure 5 Planning application fees received showing 2015/16, 2016/17 and April to December 2017



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 July to September 2017.

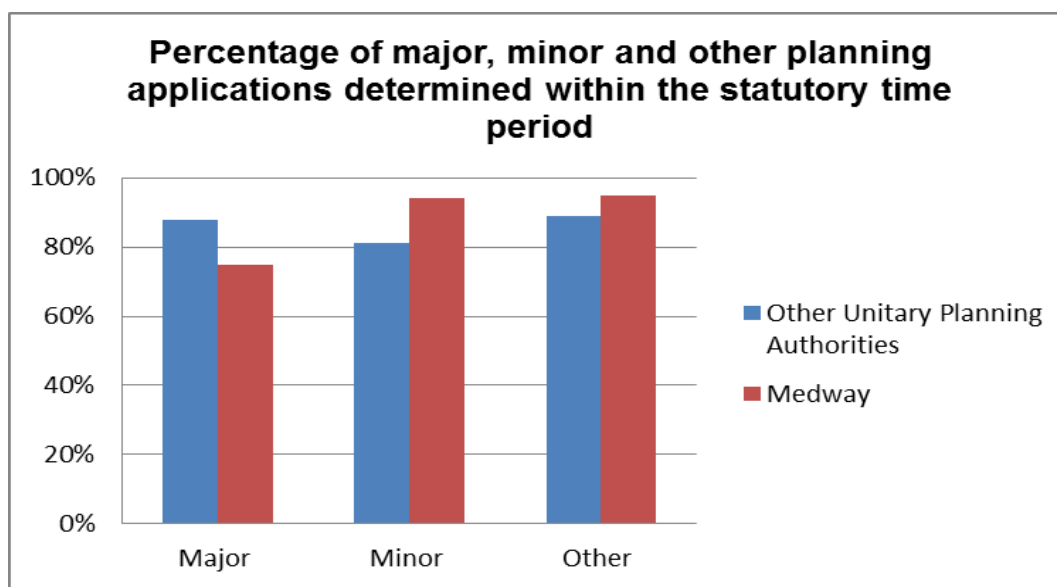
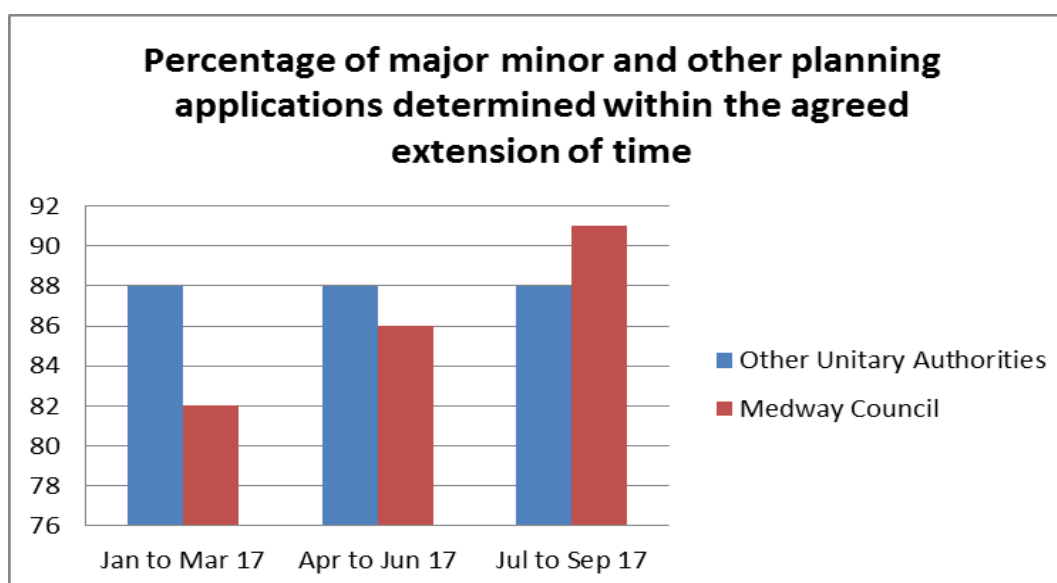


Figure 2 - Applications with a Planning Extension Agreement

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 July 2016 to December 2017*

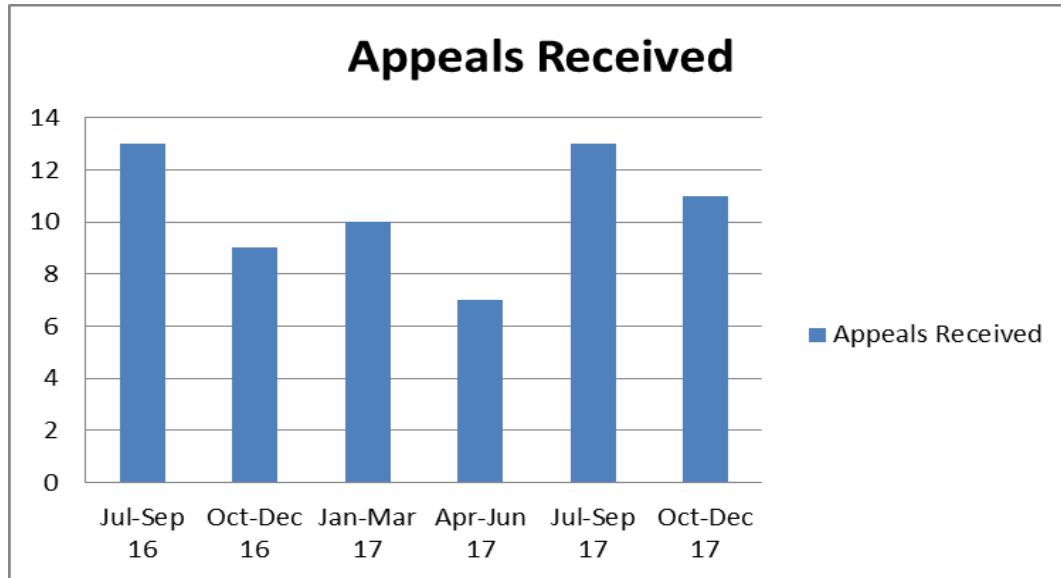
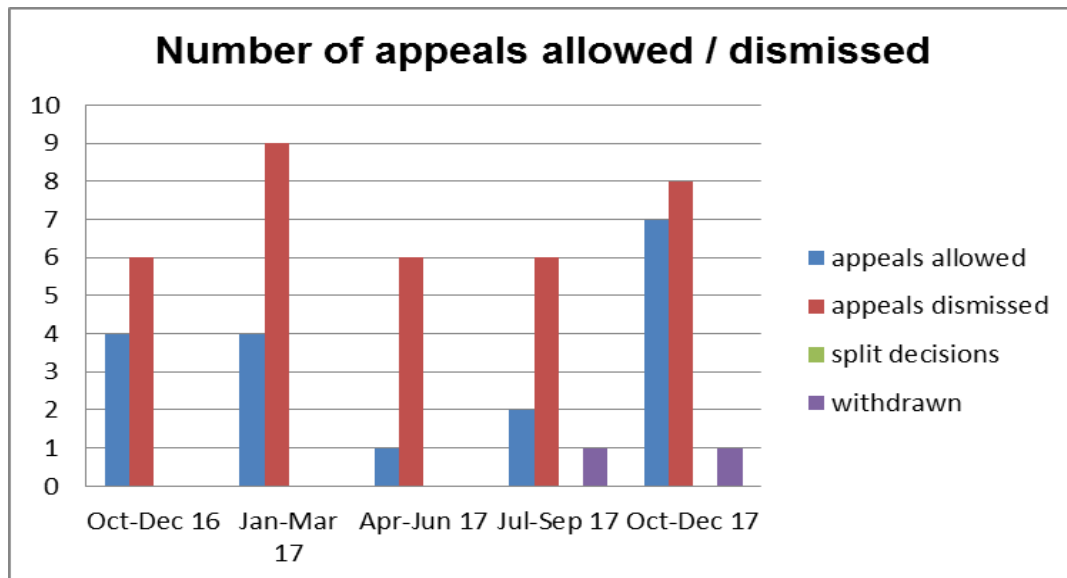
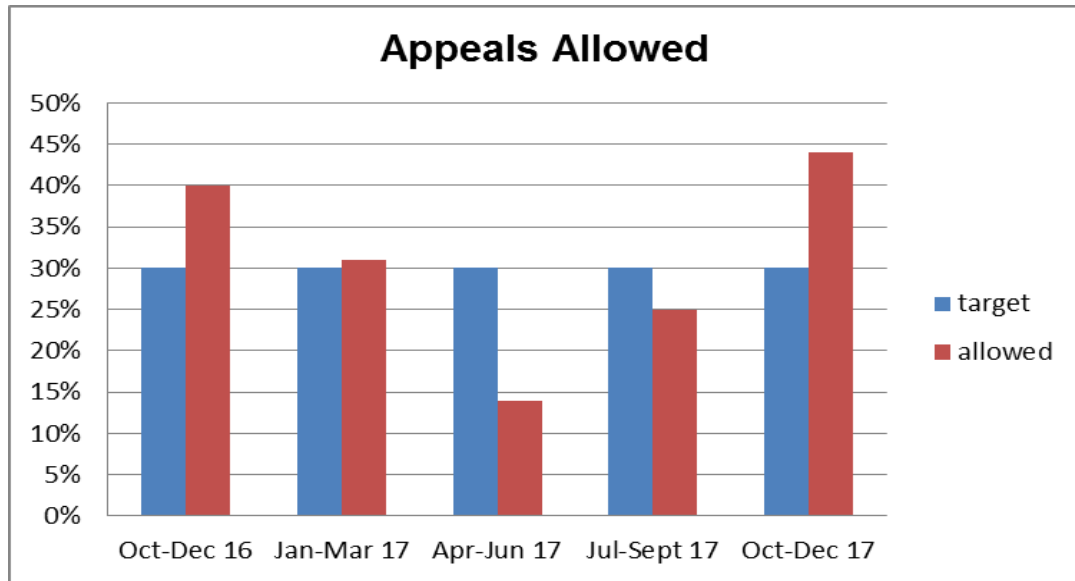


Figure 2 *Number of Appeals allowed / dismissed October 2016 to December 2017*

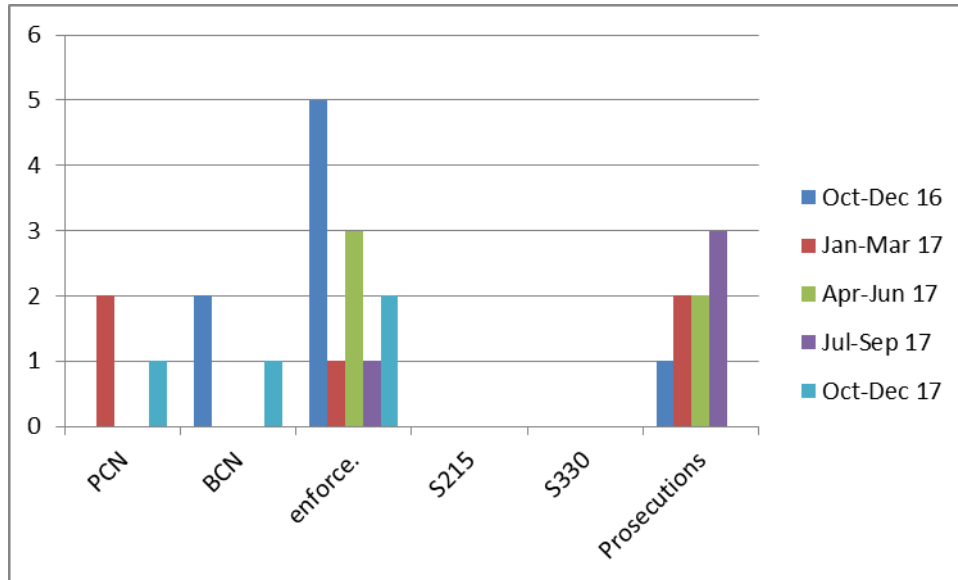


**Figure 3 : Percentage of appeals allowed against target of 30%
October 2016 to December 2017**

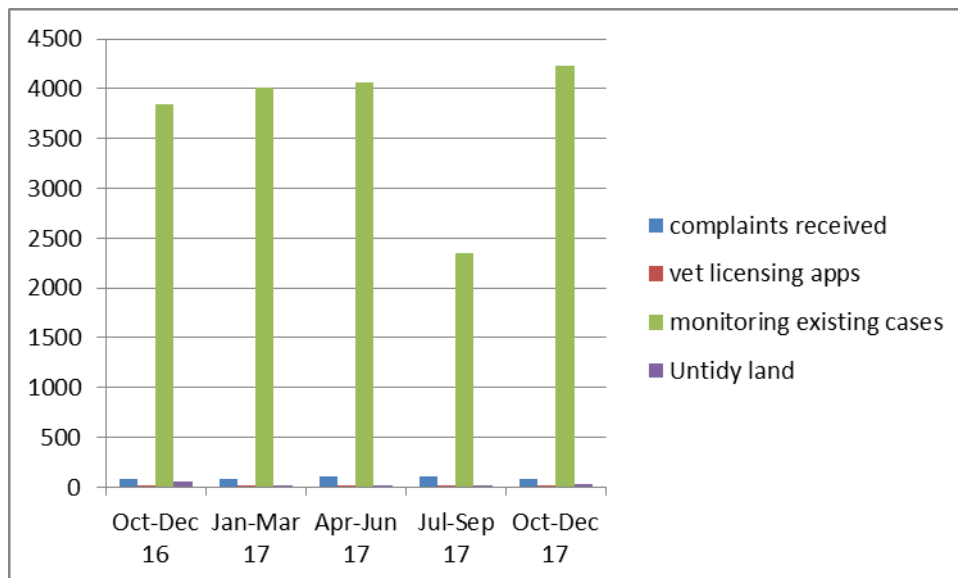


Appendix D : Enforcement

**Figure 1 Number of enforcement notices served and prosecutions
October 2016 to December 2017**



**Figure 2 Number of enforcement related complaints and activities
October 2016 to December 2017**



Appendix E : Tree Preservation Order Applications

Figure 1 : TPO applications received from January 2017 to December 2017

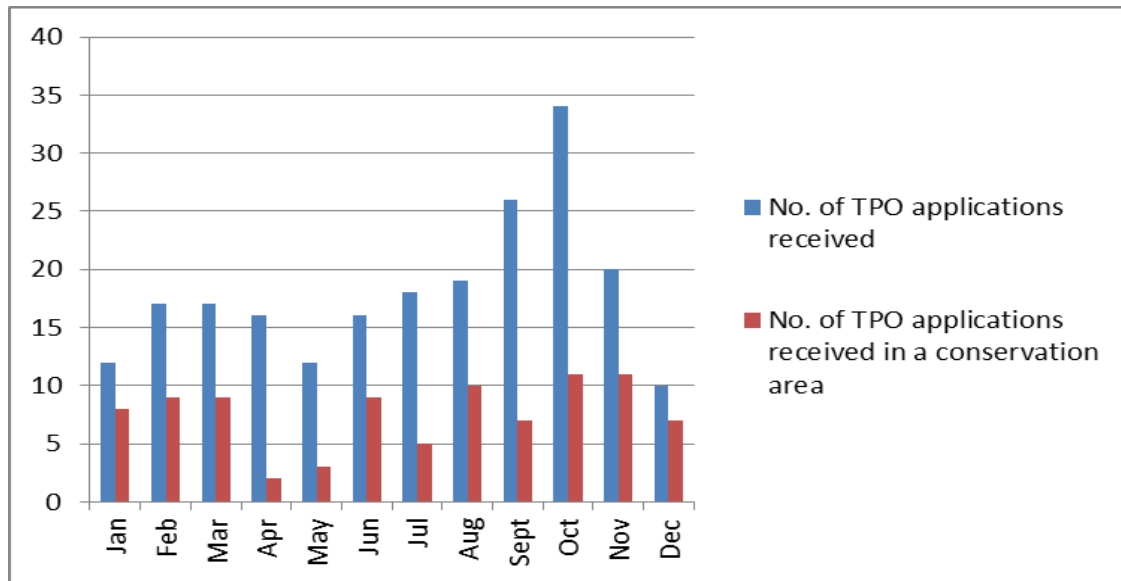
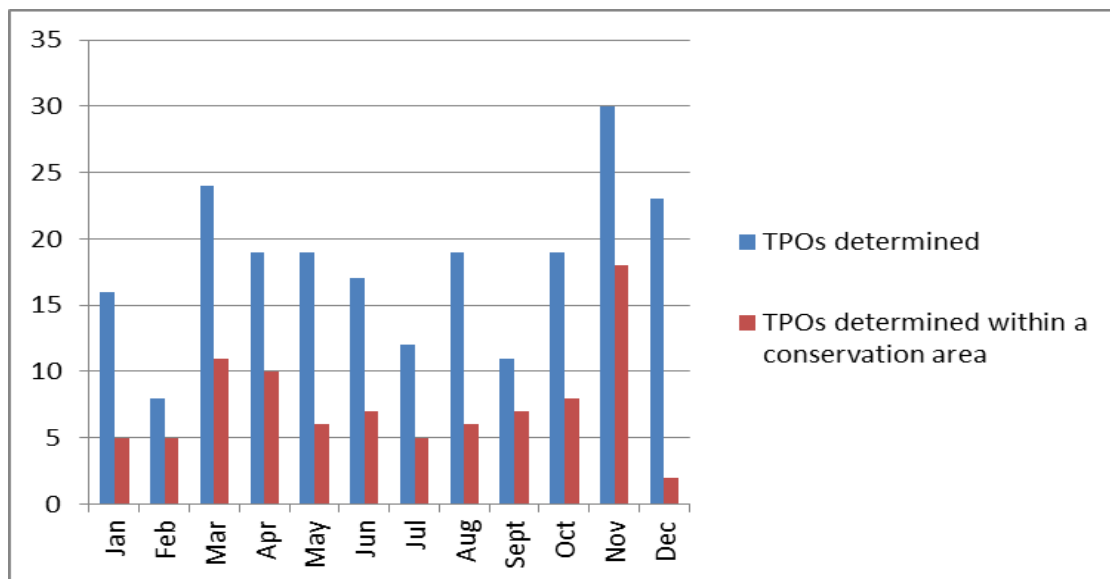


Figure 2 : TPO applications determined from January 2017 to December 2017



Appendix F : Complaints and Compliments

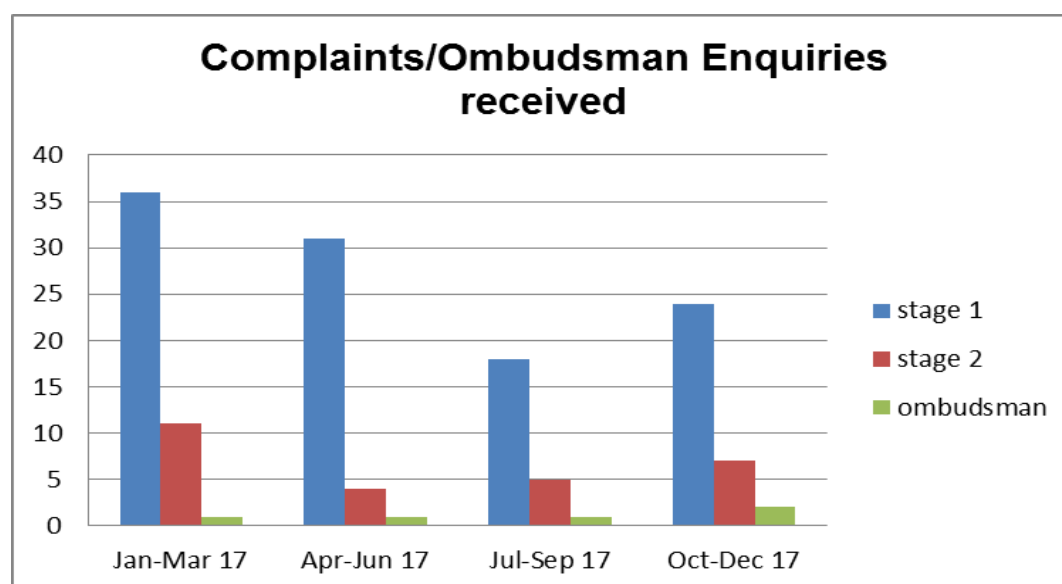
Complaints are received by phone, email, e-form, letter, fax or face-to-face at reception. All complaints are logged with a target deadline date of 10 working days. The chart below shows number of complaints responded to.

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.

Stage 1 corporate complaints are now categorised into generic and service specific categories. Complaints for planning are expected to fall mainly into the category whereby customers disagree or are unhappy with the Council's decision. For the quarter 11 complaints were categorised as unhappy with the decision, 5 did not meet expectations and 1 was poor communication.



During the quarter 24 complaints were answered, with 96% being answered within the target time of 10 working days, 7 of which had been escalated to Stage 2. 21 complaints were dismissed where no fault was found. 1 was partially upheld due to incorrect advice provided by Customer Contact, 1 was upheld due to incorrect advice provided by Customer Contact and 1 was upheld due to inconsistent interpretation of legislation in relation to small home extensions.

The Ombudsman raised two enquiries during the quarter, one relating to an alleged lack of enforcement action regarding a traveller site and another in respect of the impact of a development for 130 dwellings on local residents.

Three investigations were determined by the Ombudsman during the quarter and no evidence of fault by the Council was found and the complaints were closed.

The Planning Service has received a number of compliments during the quarter from both internal and external customers. Comments include 'extremely helpful and courteous and a credit to your team', 'this is an excellent result, nothing more than I expected' and 'in a nearby authority we are having extreme difficulties with a lottery chancing approach but it was your applied attention that enabled a successful planning decision'.