

PLANNING COMMITTEE

9 MAY 2018

PERFORMANCE REPORT: 1 JANUARY TO 31 MARCH 2018

Report from: Richard Hicks, Director
Regeneration, Culture, Environment & Transformation
and Deputy Chief Executive

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 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 January to 31 March 2018 the authority received 396 planning applications; this is compared to 402 for the same period in 2017. For the year 2017/18 the authority received 1546 applications, this compares to 1543 in 2016/17.

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 83.33%. This provides a combined percentage of 88.89% 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 98%. Applications subject to an extension of time is 92%. This provides a combined percentage of 96% 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 97%. Applications subject to an extension of time is 94%. This provides a combined percentage of 97% 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 (October to December 2017), Medway performed 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 69 applications with Planning Extension Agreements were decided, this compares to 67 in the previous quarter (see Appendix C). Comparing performance against national data for the period October to December 2017, 88% of applications were determined within the agreed extended timeframe nationally compared to 91% by Medway.
- 3.4 4 Planning Performance Agreements (PPA's) were entered into during the quarter. These related to:

- Land west of Merryboys Farm House – outline application for six self-build detached houses
- Former Peugeot Garage, Corporation Street, Rochester – 23 flats within a five storey building
- 1-26 Cross Street, Chatham – retrospective application for 30 dwellings
- Land west of Elm Avenue, Chattenden – outline application for 63 dwellings

3.5 The percentage of appeals allowed during the quarter is 42%. Appeals decided comprise 8 delegated decisions and 2 Committee decisions overturning the officer recommendation. One related to enforcement action, which was dismissed and one 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.

4. Advice and analysis

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

5. Consultation

5.1 Response to the Ministry of Housing Communities and local Government on revisions to the National Planning Policy Framework (NPPF). While there are some positive elements there are also areas of concern regarding promotion of the Government Standard Methodology for assessing housing need and the introduction of the Housing Delivery Test in particular.

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 currently taking place, where 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 Following a review of the Developer Contribution Guide, consultation took place on a revised Medway Guide to Developer Contributions and Obligations between 26 January and 9 March 2018. The revised Guide will be reported to Cabinet on 8 May 2018.

- 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 £1,407,543.66 has been received via S106 contributions and £60,337.56 has been received for Habitat Regulations Agreements. This makes a total of £1,467,881.22. 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 has achieved accreditation to ISO 9001:2015 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 were able to increase their fees by 20%.

Increasing the planning fees by 20% 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 £428,011. Total income for the year 2017/18 is £1,335,857. This compares to a total income for the year 2016/17 of £844,237 and £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 2017/18*

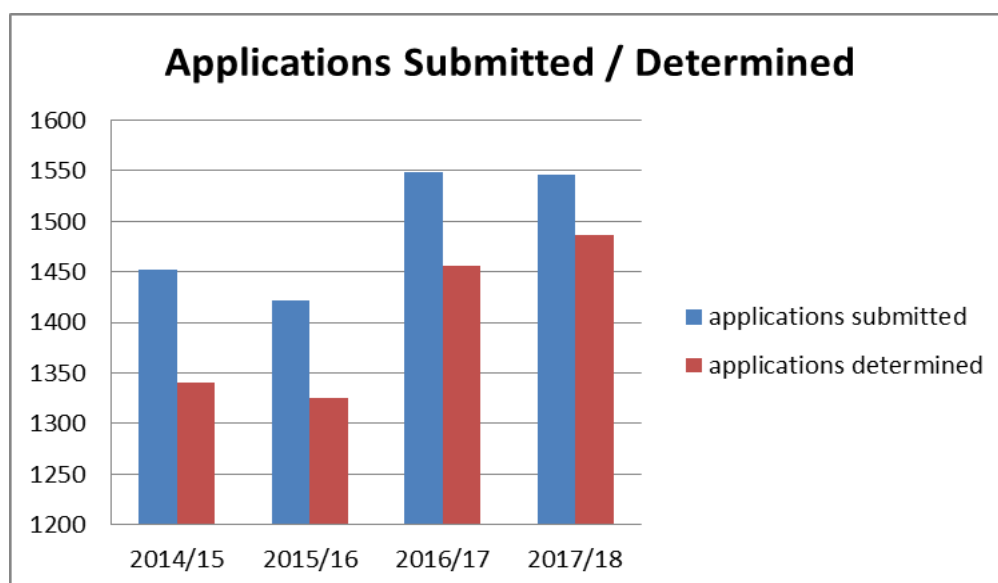


Figure 2 **Percentage of “Major” applications determined against performance target October 2016 to March 2018**

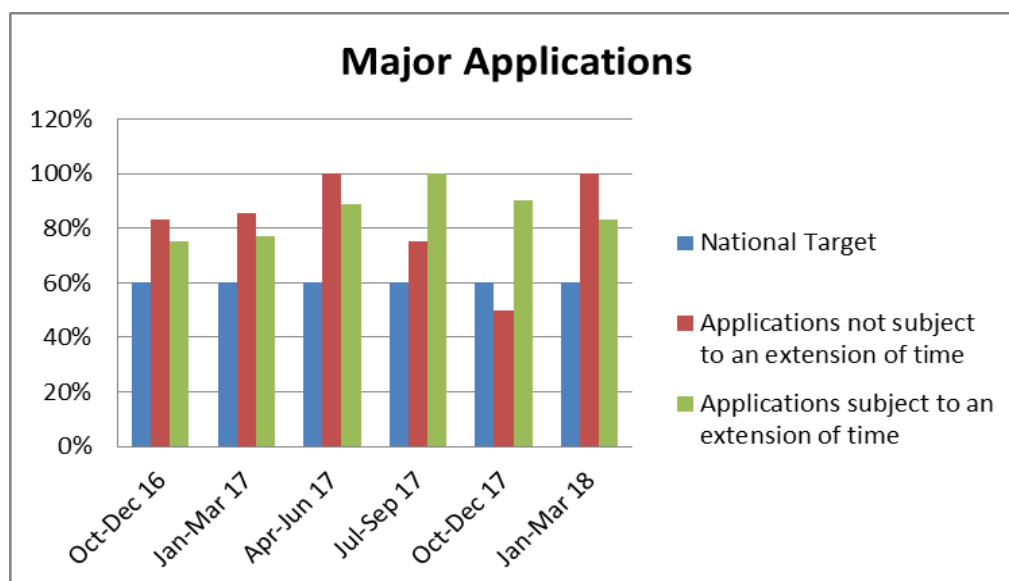


Figure 3 Percentage of “Minor” applications determined against performance target October 2016 to March 2018

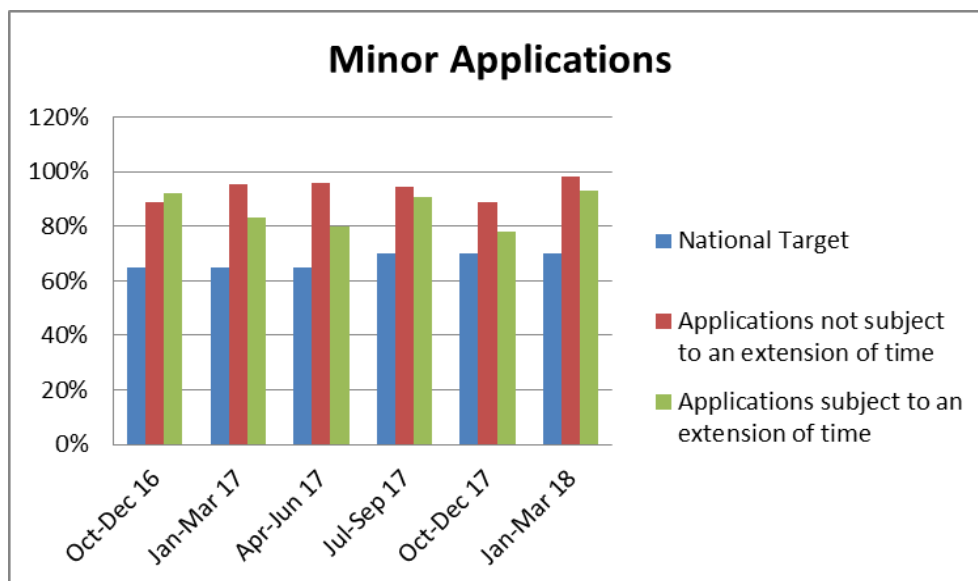


Figure 4 Percentage of “Other” applications determined against performance target October 2016 to March 2018

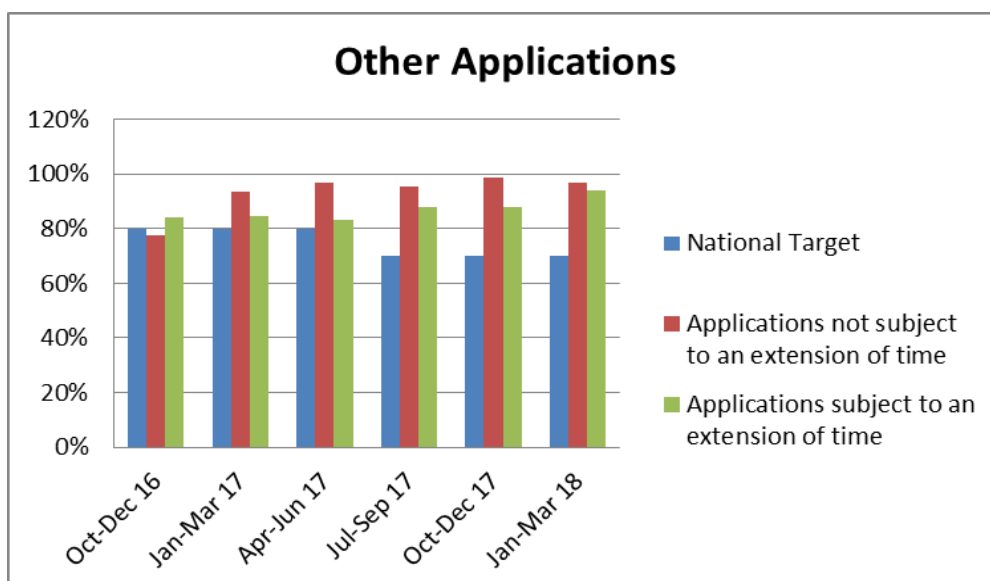
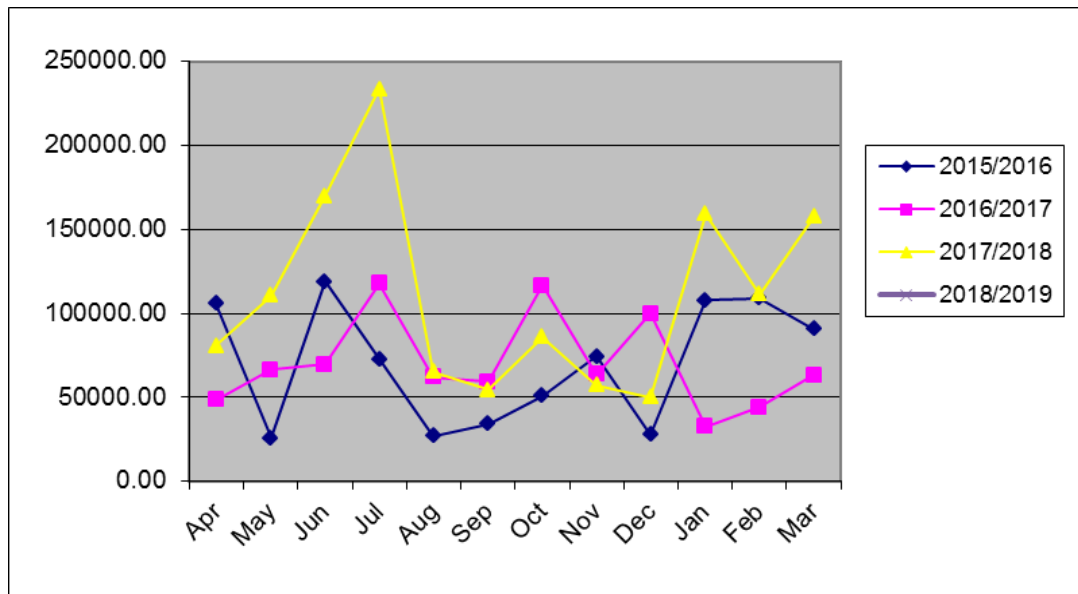


Figure 5 Planning application fees received showing 2015/16, 2016/17 and 2017/18



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 October to December 2017.

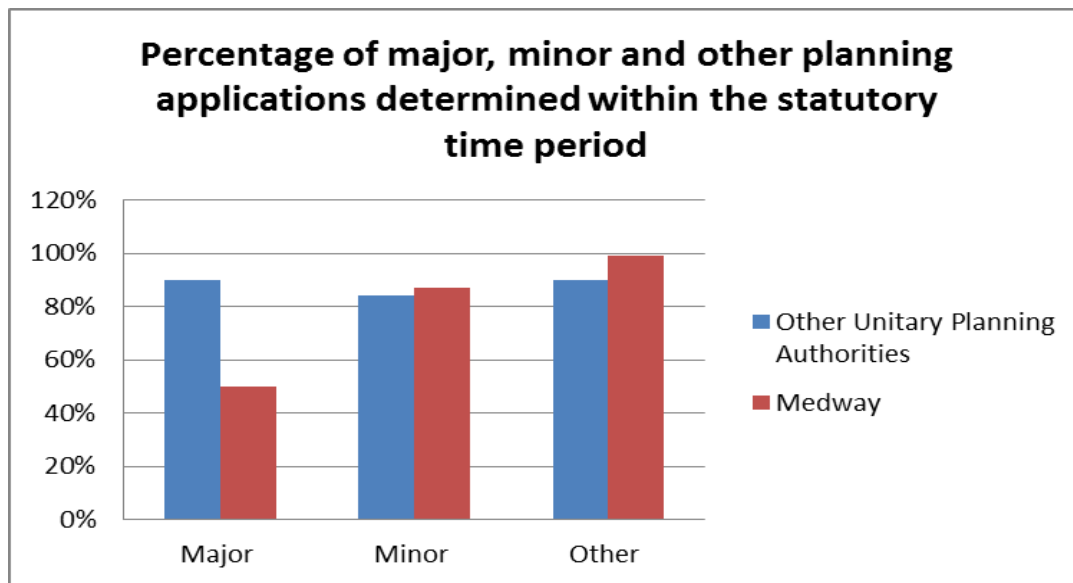
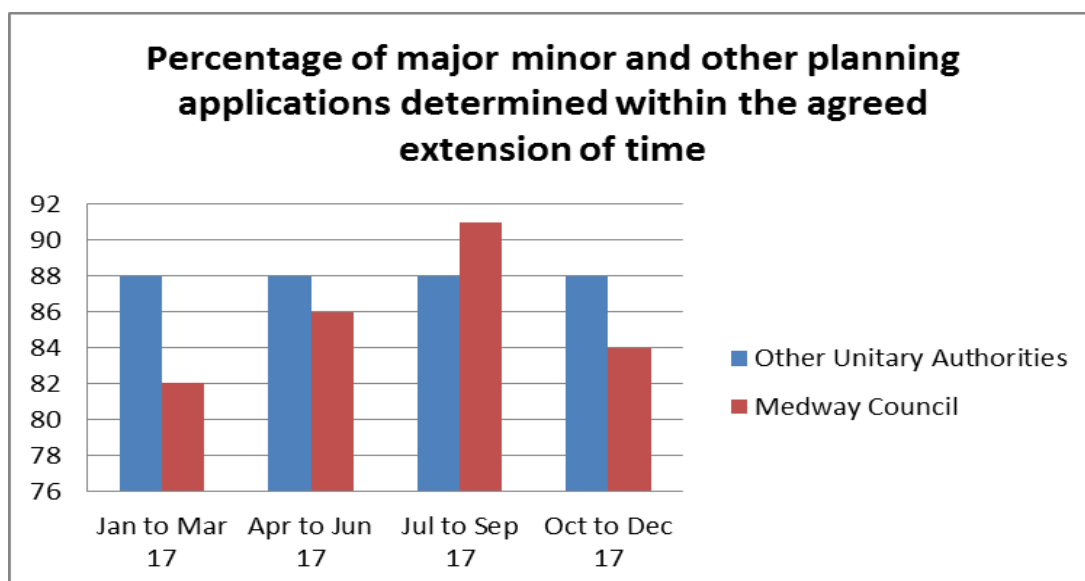


Figure 2 - Applications with a Planning Extension Agreement

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 October 2016 to March 2018*

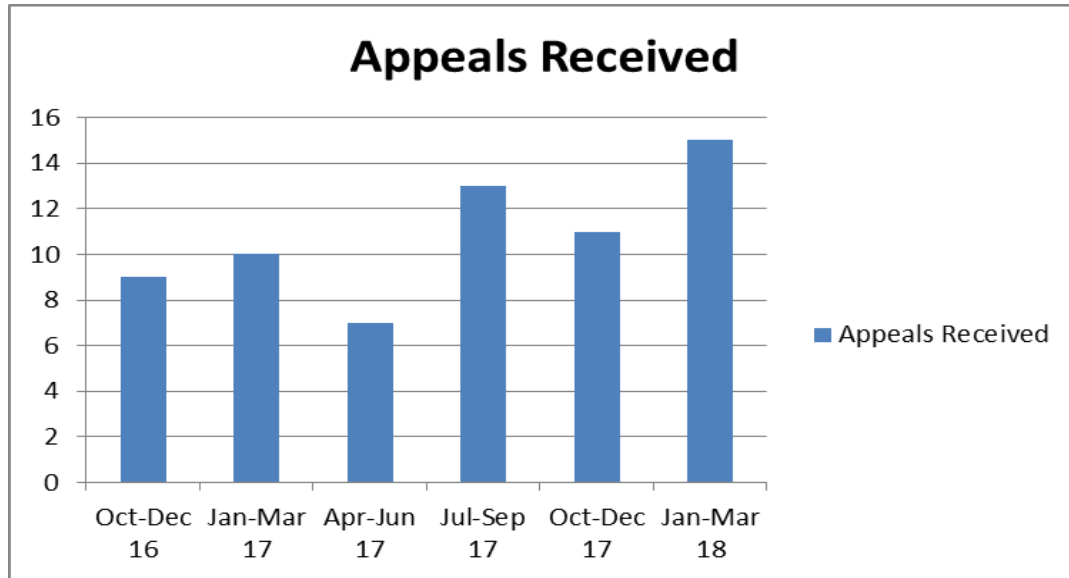
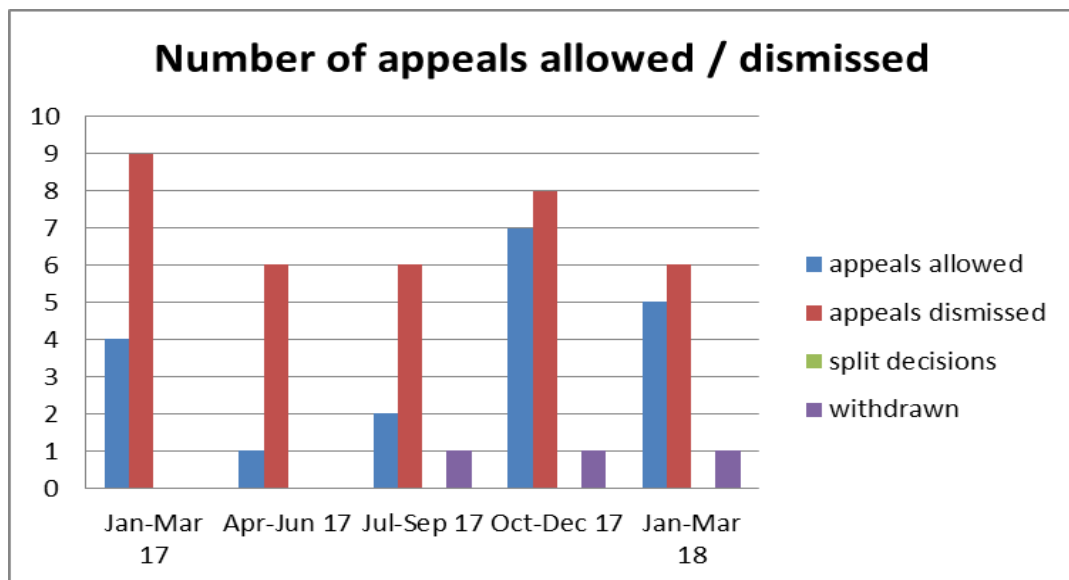
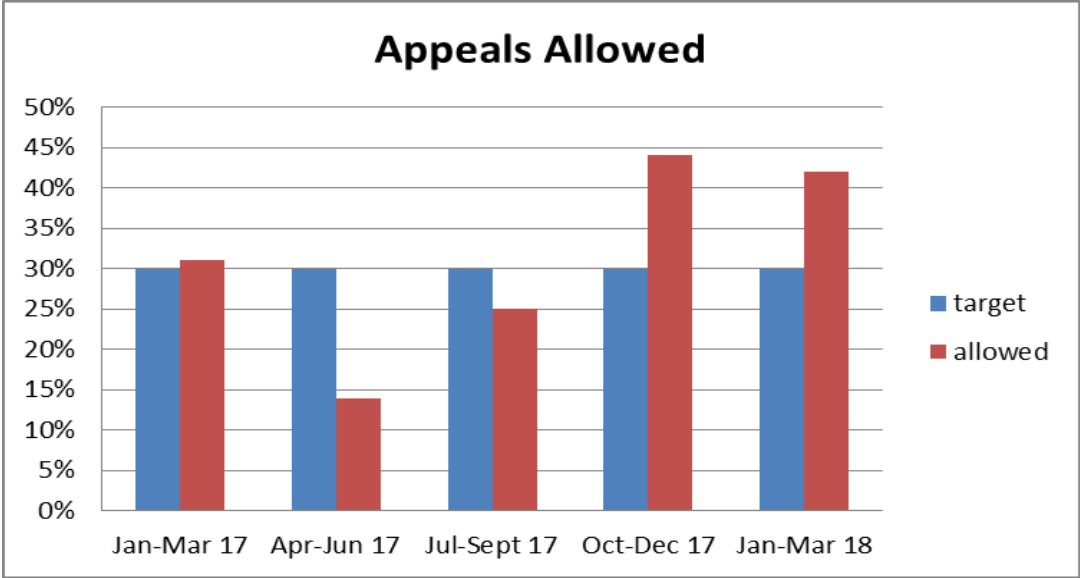


Figure 2 *Number of Appeals allowed / dismissed January 2017 to March 2018*



**Figure 3 : Percentage of appeals allowed against target of 30%
January 2017 to March 2018**



Appendix D : Enforcement

Figure 1 **Number of enforcement notices served and prosecutions**
January 2017 to March 2018

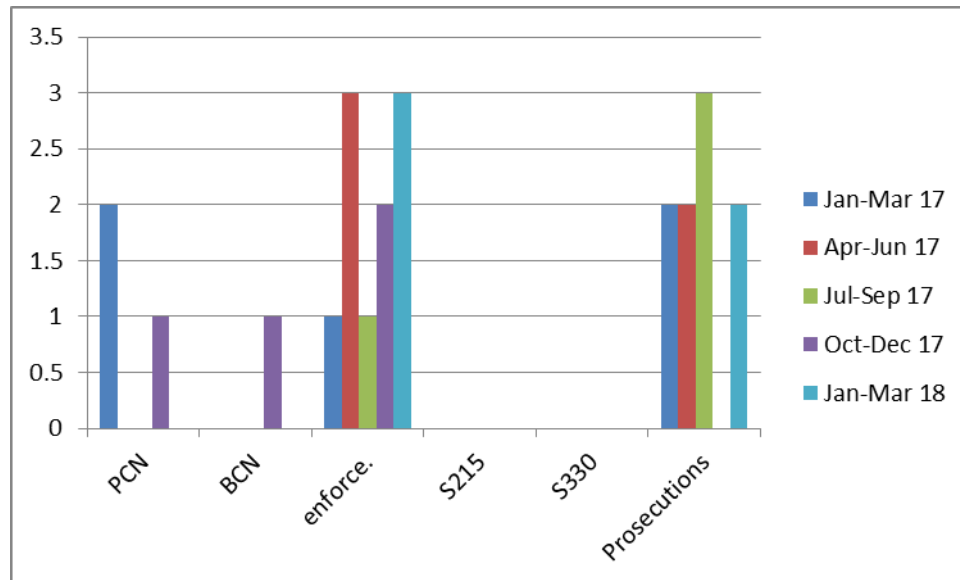
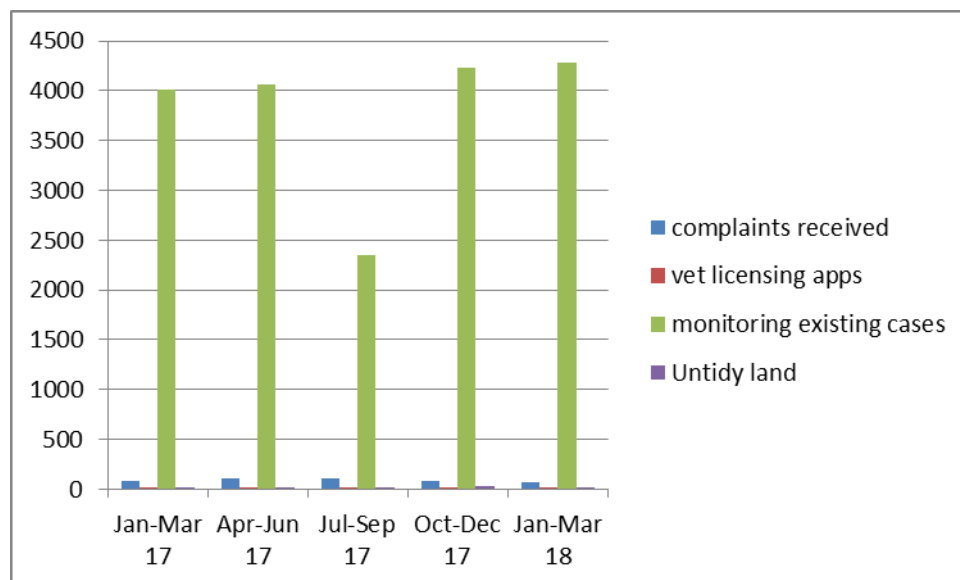


Figure 2 **Number of enforcement related complaints and activities**
January 2017 to March 18



Appendix E : Tree Preservation Order Applications

Figure 1 : TPO applications received from April 2017 to March 2018

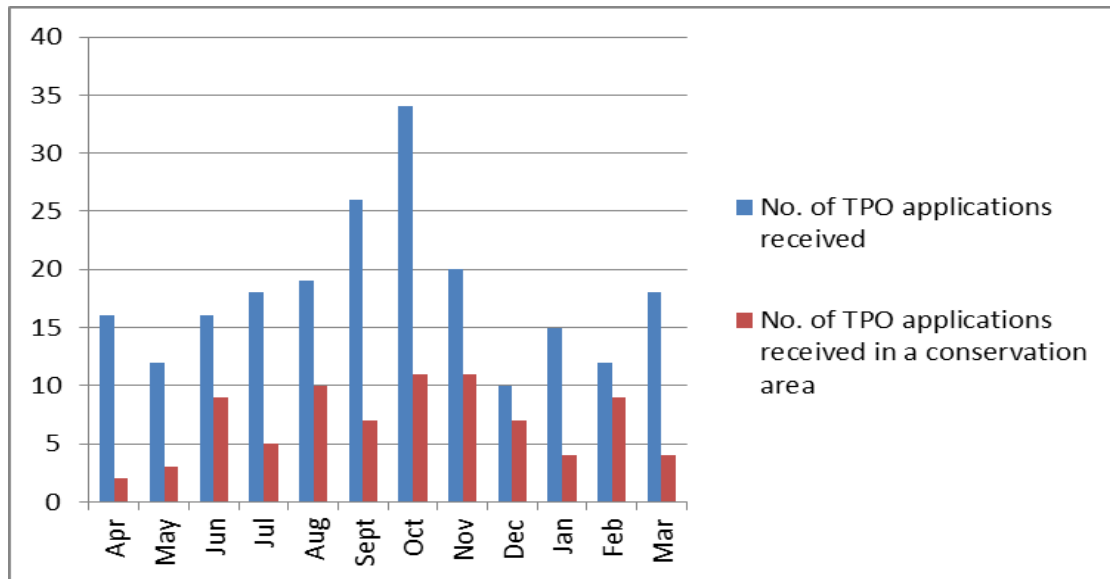
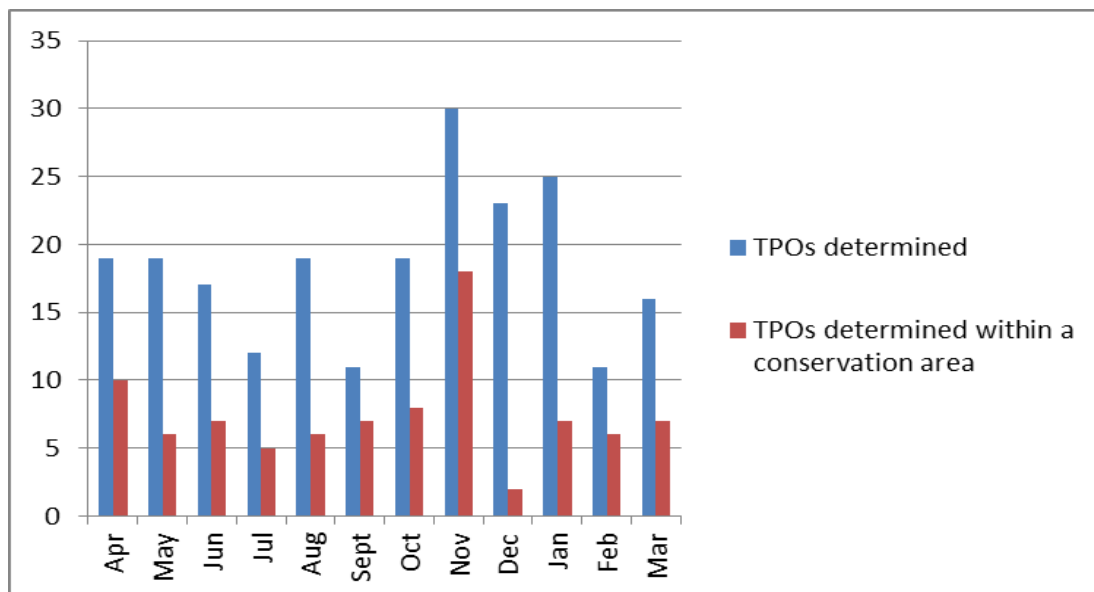


Figure 2 : TPO applications determined from April 2017 to March 2018



Appendix F : Complaints and Compliments

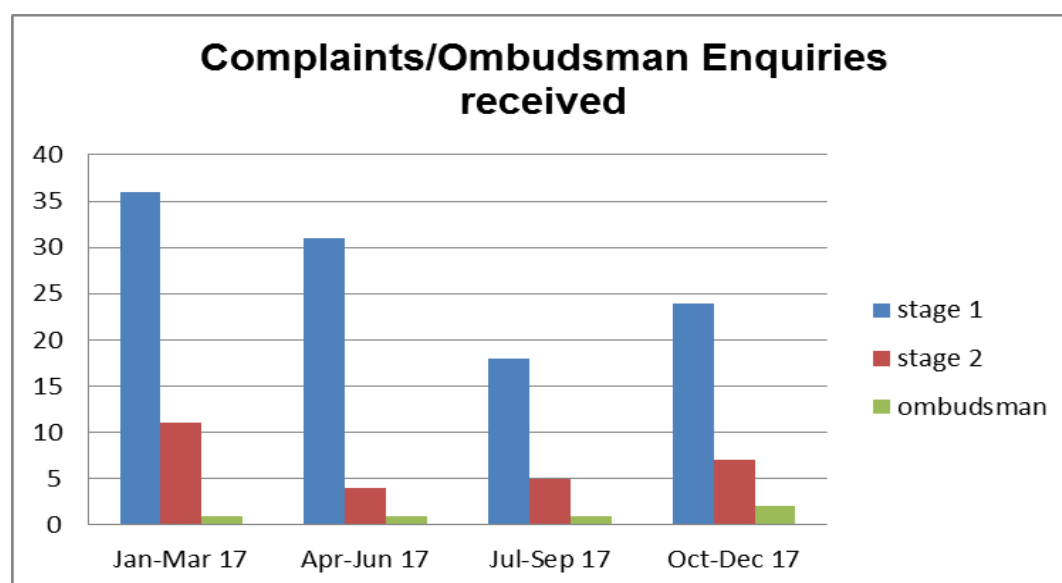
Complaints are received by phone, email, e-form, letter, fax or face-to-face at reception. All complaints are logged with a target deadline date of 10 working days. The chart below shows number of complaints responded to.

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 12 complaints were categorised as unhappy with the decision, 6 did not meet expectations, 4 was poor communication, 1 felt the service requested was not provided, 1 was inaccurate information provided and 1 related to online issues.



During the quarter 25 complaints were answered, with 100% being answered within the target time of 10 working days, 3 of which had been escalated to Stage 2. 21 complaints were dismissed where no fault was found. 2 were partially upheld due to incorrect advice provided by Customer Contact and an error in scanning by the Administration Hub, 2 were upheld due to ICT problems with Public Access and lack of response from planning officer.

The Ombudsman raised two enquiries during the quarter, one relating to the impact of privacy on a neighbouring property and one relating to the appropriate interpretation of a Lawful Development.

Four 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 'I have always been impressed by the speed of your validation process and find the officers helpful, even if we do not always agree' and 'thanks for accommodating a pre-app meeting so quickly. It was extremely helpful and much appreciated. Better than other pre-app service across the county'.