

PLANNING COMMITTEE

29 AUGUST 2018

PERFORMANCE REPORT: 1 APRIL TO 30 JUNE 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 April to 30 June 2018 the authority received 391 planning applications; this is compared to 389 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 88.89%. Applications subject to an extension of time is 100%. This provides a combined percentage of 93.33% 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 76.92%. Applications subject to an extension of time is 62.50%. This provides a combined percentage of 71.43% 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 95.51%. Applications subject to an extension of time is 70%. This provides a combined percentage of 93.73% 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 (January to March 2018), 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 50 applications with Planning Extension Agreements were decided, this compares to 69 in the previous quarter (see Appendix C). Comparing performance against national data for the period January to March 2018, 89% of applications were determined within the agreed extended timeframe nationally compared to 70% by Medway.

- 3.4 2 Planning Performance Agreements (PPA's) were entered into during the quarter. These related to:
- 259-261 High Street, Rochester
 - Land at White House Farm, Stoke Road, Hoo St Werburgh
- 3.5 The percentage of appeals allowed during the quarter is 29%. Appeals decided comprise 14 delegated decisions and 3 Committee decisions with 2 overturning the officer recommendation. There were also 2 split decisions in relation to enforcement appeals. There was one cost award decision against the Council in relation to one of the Committee overturns. The applicants initial claim was for £78k and the Head of Planning and legal officer are in negotiations to see if this can be reduced. (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 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, where people could view the potential sites and locations which could form the best options for where land could be developed for housing and employment, ran from March to 25 June 2018. The consultation document acknowledged significant investment requirements to upgrade infrastructure to support growth. The Planning Service has been working with corporate colleagues to develop a business case to secure £170k of funding in infrastructure through the government's Housing Infrastructure Fund. The Council has commissioned consultants with access to specialist software to carry out analysis of the responses received to the consultation (c350 'main responses', c600 petition signatories, and c11,000 environmental campaign responses). This avoids the loss of significant capacity in the Planning Service, and officers can concentrate on other technical tasks.

- 5.2 Following a review of the Developer Contribution Guide, consultation took place on a revised Guide between 26 January and 9 March 2018. The updated Guide was adopted in May 2018. The Guide will need a further update next year to align to anticipated new government policy and the draft Local Plan.

- 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 £972,969 has been received via S106 contributions and £68,181 has been received for Habitat Regulations Agreements. This makes a total of £1,041,150.
- 5.4 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. A new post of Implementation Officer has now been filled on a 12 month secondment basis to liaise with developers with the aim of encouraging commencement.
- 5.5 The annual Major Developers Forum took place in April. It was well attended with a very positive response to Planning's approach to partnership working. Following the forum a series of breakfast meetings have been taking place with the Head of Planning and developers, including key stakeholders and other Council services.
- 5.6 The annual meeting with planning agents also took place in April. This was a very positive meeting with agents saying that Medway is one of the best authorities in Kent to deal with.

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.

- 7.2 Planning income during the quarter period is £304,533. 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.
- 7.3 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 2018*

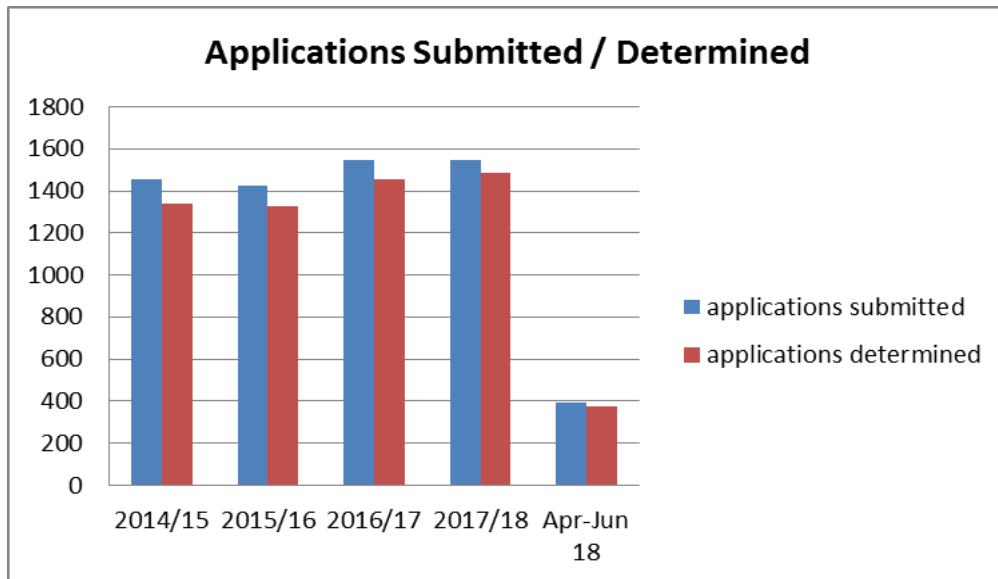


Figure 2 *Percentage of “Major” applications determined against performance target January 2017 to June 2018*

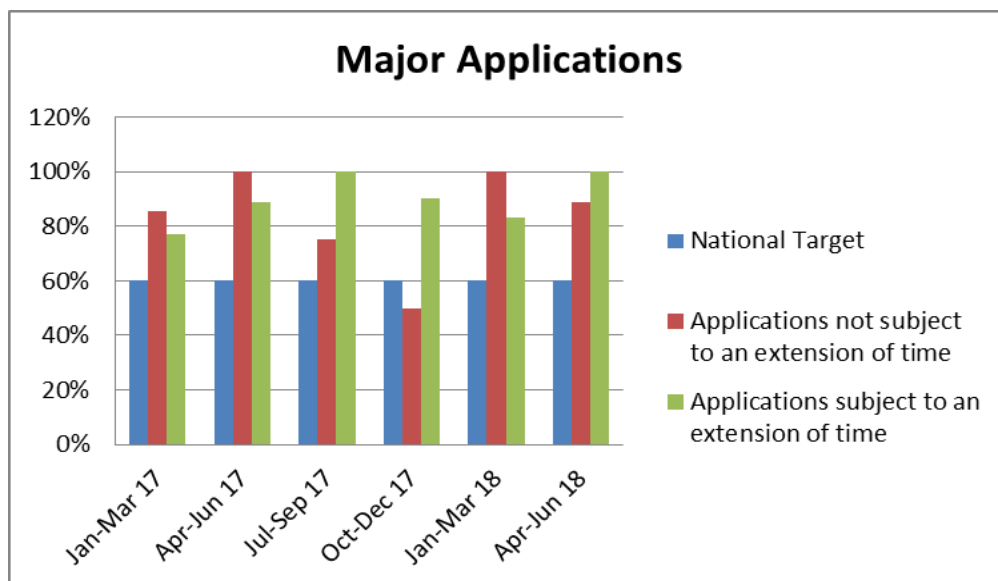


Figure 3 Percentage of “Minor” applications determined against performance target January 2017 to June 2018

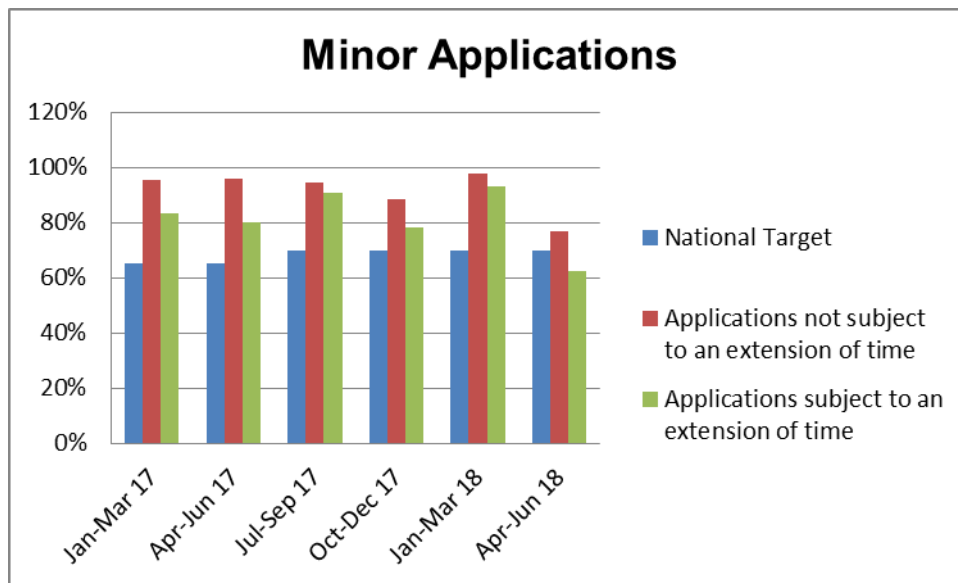


Figure 4 Percentage of “Other” applications determined against performance target January 2017 to June 2018

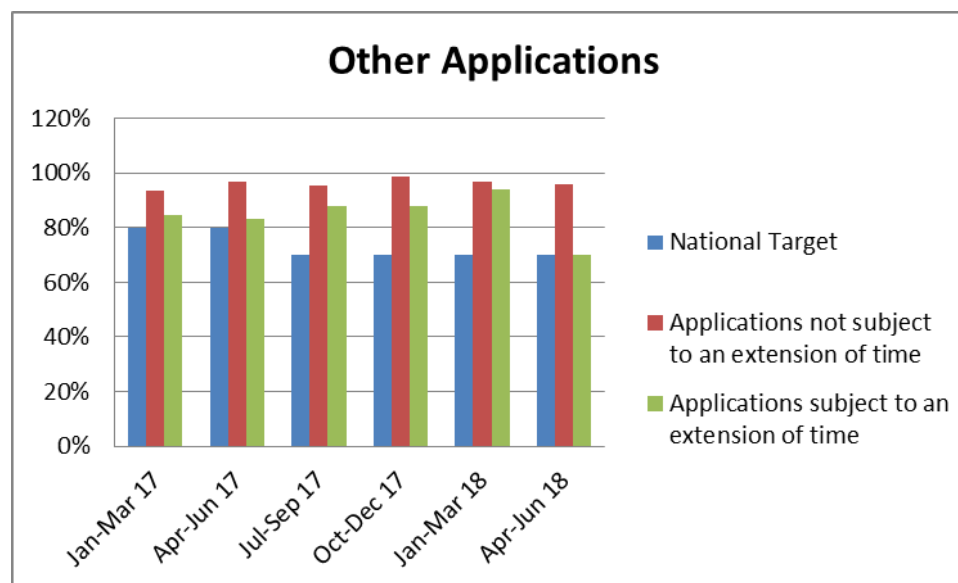
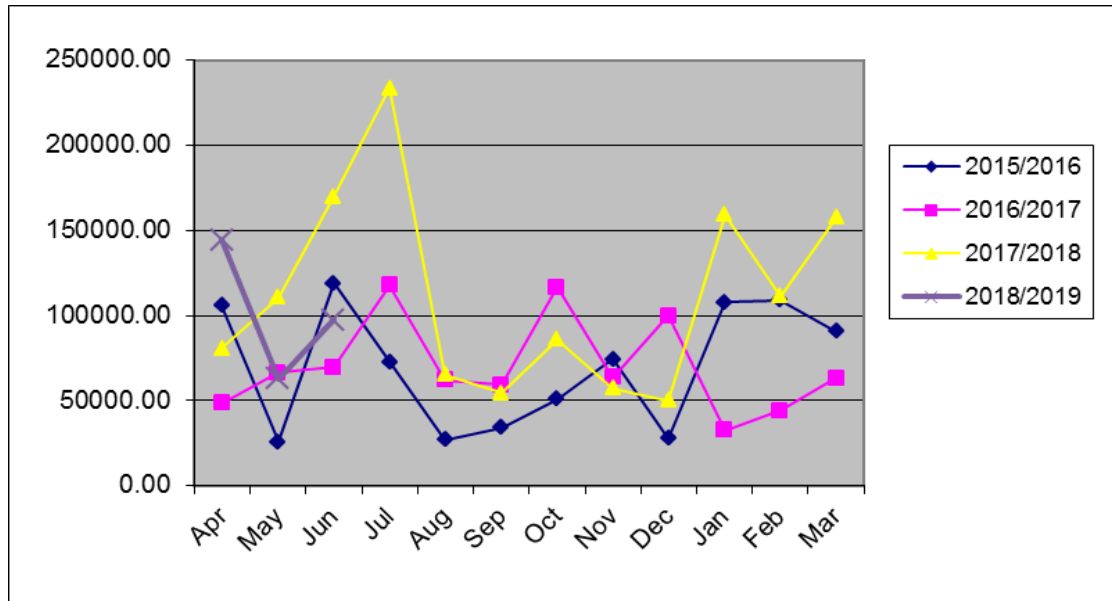


Figure 5 Planning application fees received showing 2015/16, 2016/17, 2017/18 and April to June 2018



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 2018.

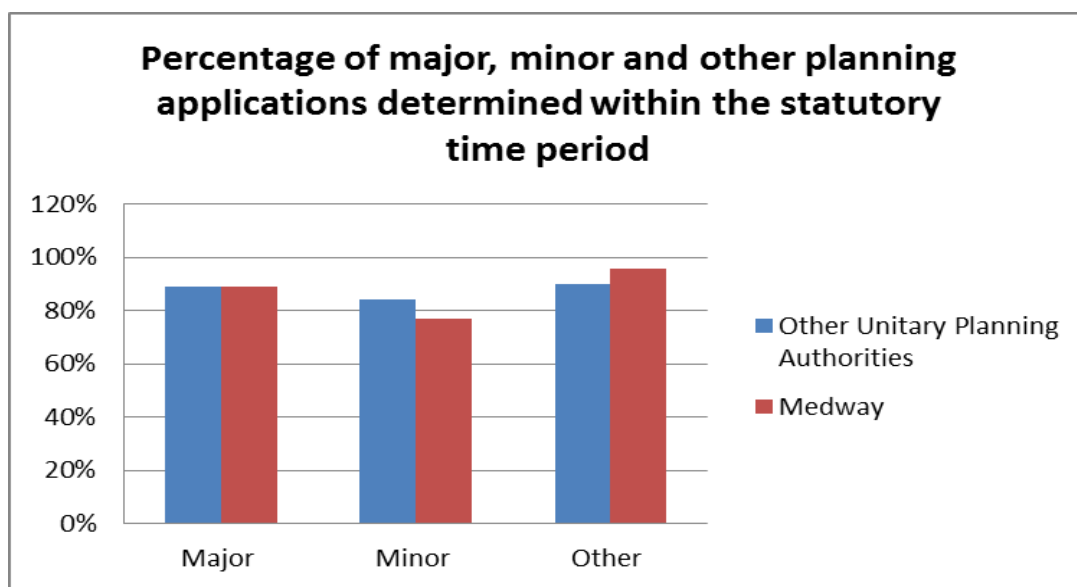
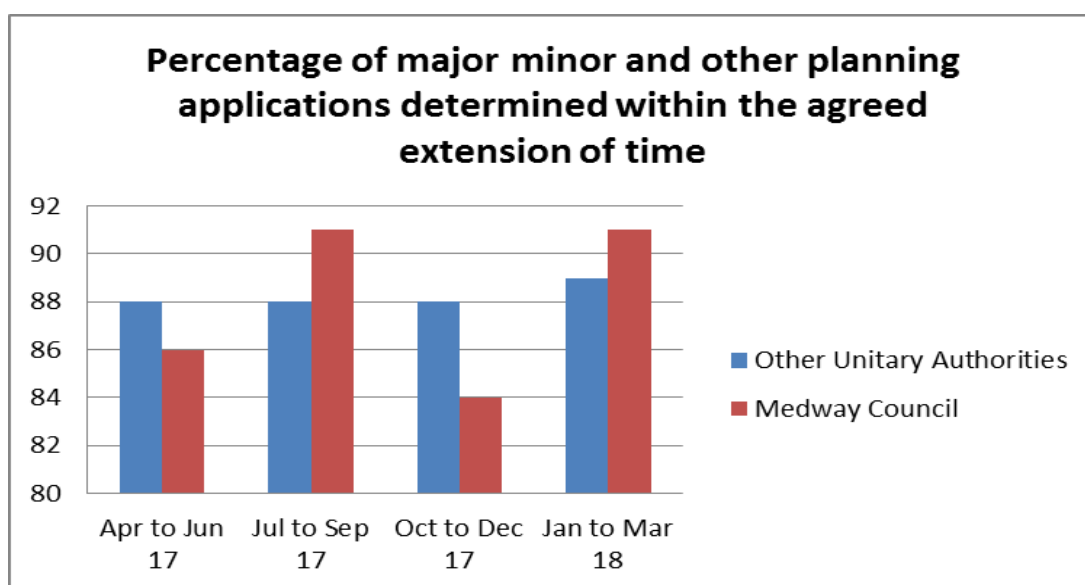


Figure 2 - Applications with a Planning Extension Agreement

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 2017 to June 2018*

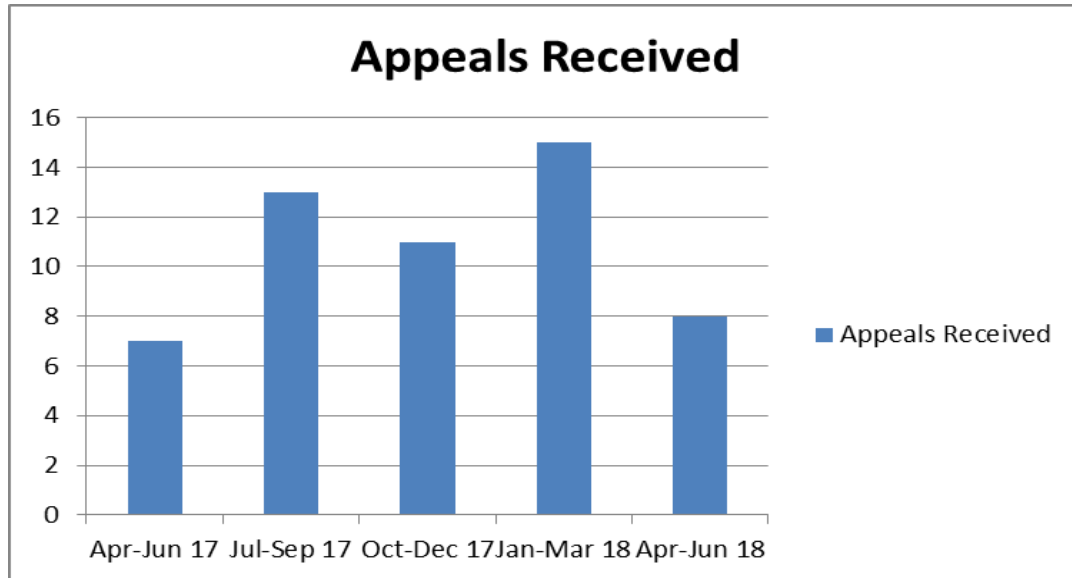
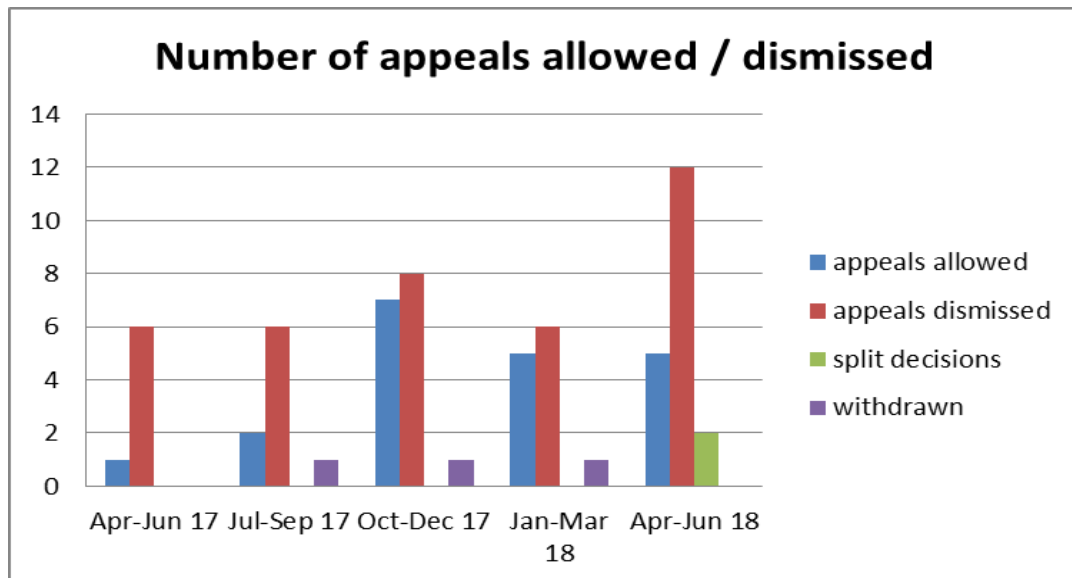
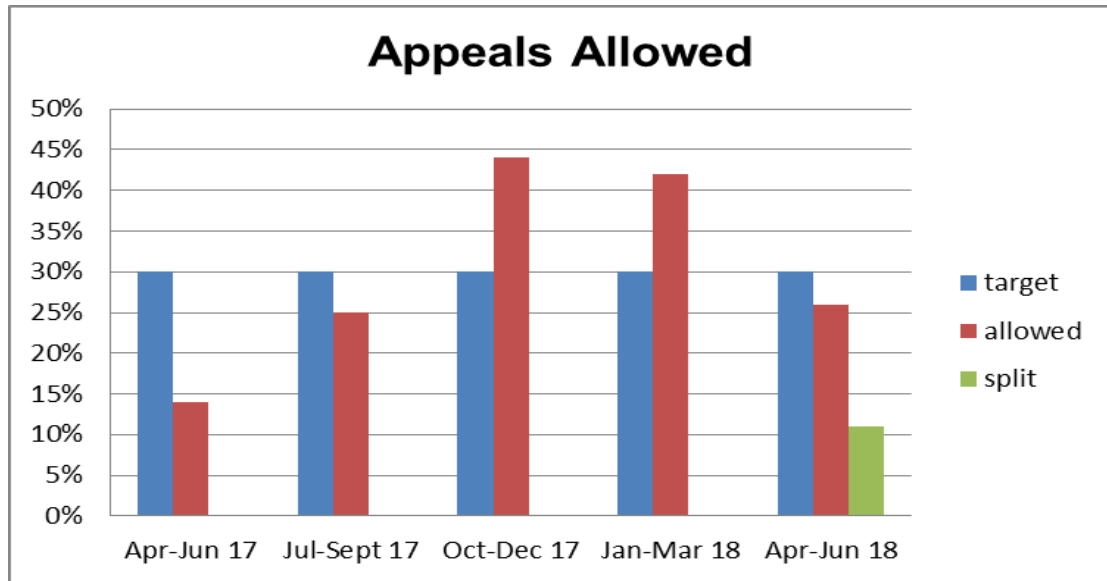


Figure 2 *Number of Appeals allowed / dismissed April 2017 to June 2018*



**Figure 3 : Percentage of appeals allowed against target of 30%
April 2017 to June 2018**



Appendix D : Enforcement

Figure 1 Number of enforcement notices served and prosecutions April 2017 to June 2018

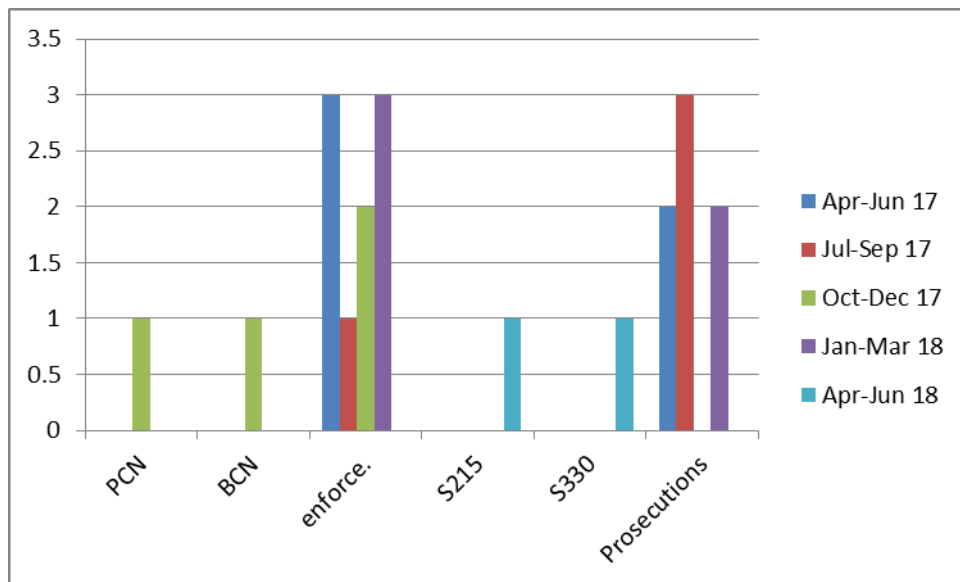
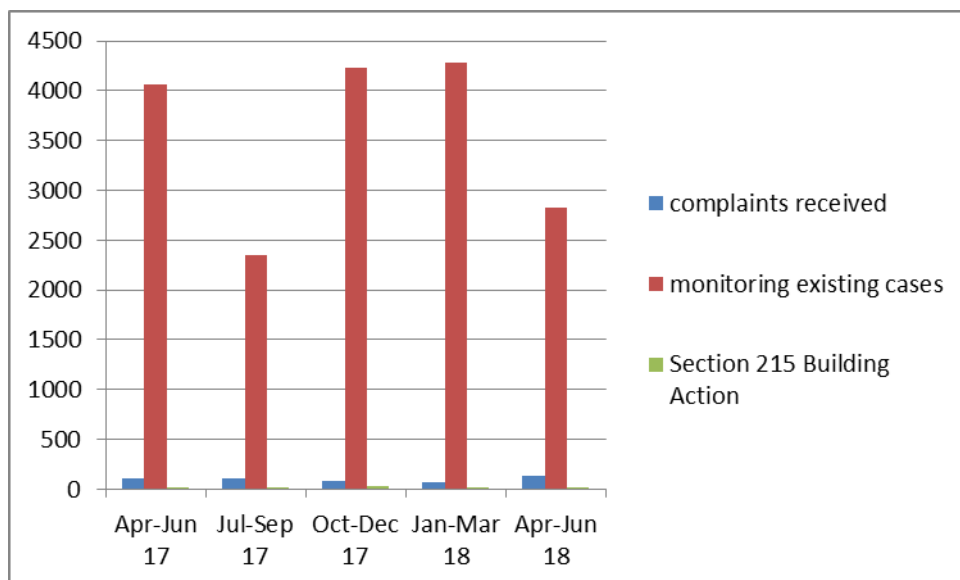


Figure 2 Number of enforcement related complaints and activities April 2017 to June 18



Due to data cleansing which took place during the migration of information from Acolaid to Uniform there has been a significant fall in the number of existing cases on the system.

Appendix E : Tree Preservation Order Applications

Figure 1 : TPO applications received from July 2017 to June 2018

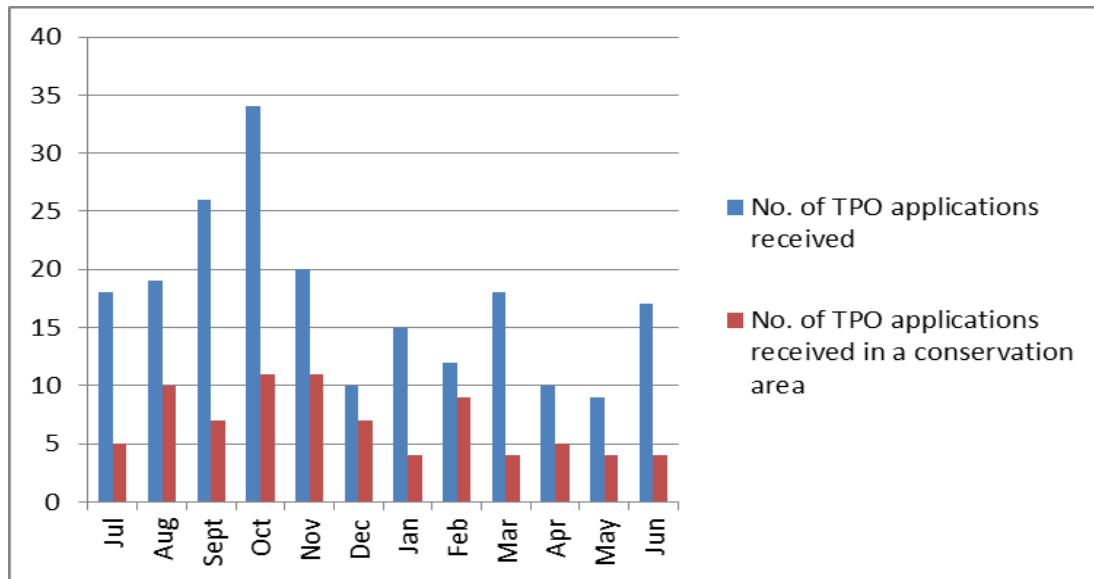
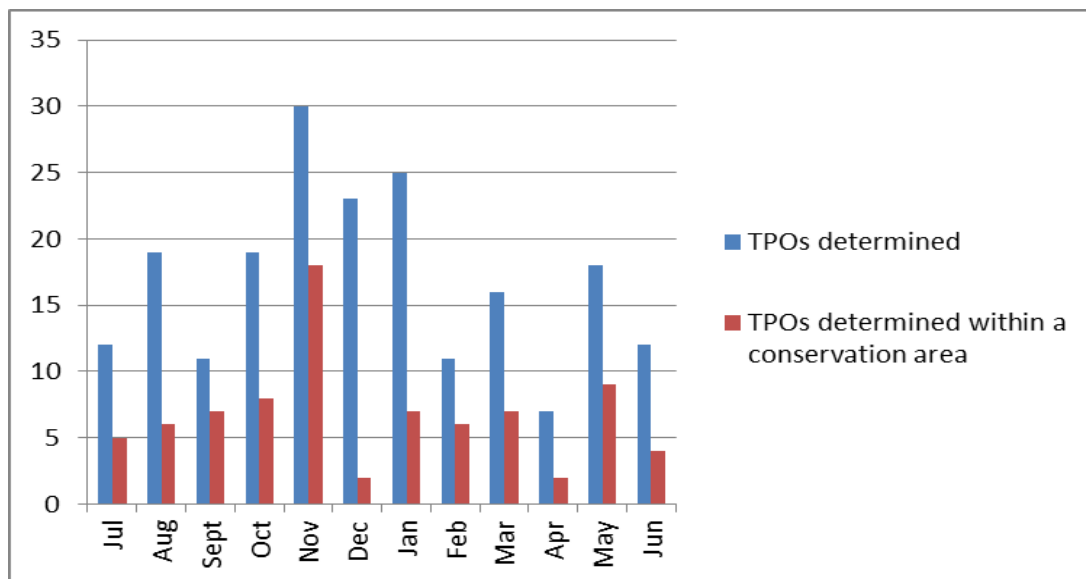


Figure 2 : TPO applications determined from July 2017 to June 2018



Appendix F : Complaints and Compliments

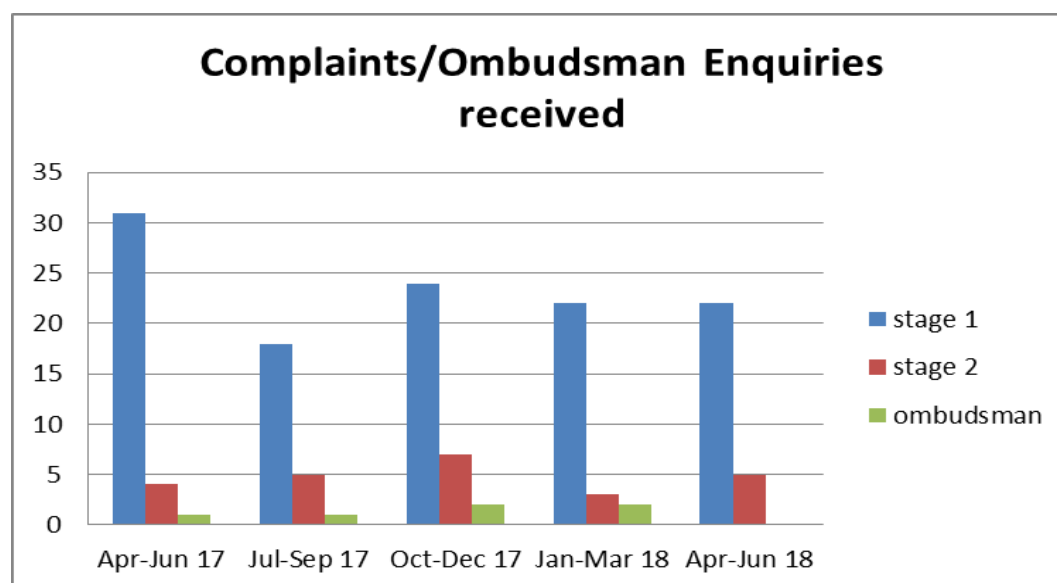
Complaints are received by phone, email, e-form, letter, fax or face-to-face at reception. All complaints are logged with a target deadline date of 10 working days. The chart below shows number of complaints responded to.

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 19 complaints were categorised as unhappy with the decision, 4 did not meet expectations, 2 was poor communication and 1 was inaccurate information provided.



During the quarter 24 complaints were answered, with 92% 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 and 3 were upheld for the following reasons:

- Description on application was wrong. Description was amended and re-consulted.
- Decision notice should have included an informative to say permission needs to be granted by the owner of the tree before any works undertaken.
- Tree on Council land appears to have been pruned without permission. Passed to Norse.

No new enquiries were raised by the Ombudsman during the quarter.

Two investigations were determined by the Ombudsman during the quarter. One found no evidence of fault in how the Council decided to grant a certificate of lawful development but there was fault in how contact restrictions were put in place by Customer Relations. The other found no fault by the Council.

The Planning Service has received a number of compliments during the quarter from both internal and external customers. Comments include 'as a direct result of you finding time to see me and advising me accordingly this has brought about a sensible compromise. Based on your professional views I was able to address the matter with my neighbours with some confidence and, as a result, we have been able to save your busy team a site visit', 'my thanks to you for sorting this so quickly to enable this scheme to continue', 'You are an absolute star!!' and 'I have always been impressed by the speed of your validation process and find the officers helpful even if we do not always agree'.