

PLANNING COMMITTEE

21 NOVEMBER 2018

PERFORMANCE REPORT: 1 JULY TO 30 SEPTEMBER 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 July to 30 September 2018 the authority received 364 planning applications; this is compared to 385 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 71%. Applications subject to an extension of time is 89%. This provides a combined percentage of 81% 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 71%. This provides a combined percentage of 83% 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 96%. Applications subject to an extension of time is 100%. This provides a combined percentage of 96% 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 (April to June 2018), 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 58 applications with Planning Extension Agreements were decided, this compares to 50 in the previous quarter (see Appendix C). Comparing performance against national data for the period April to June 2018, 89% of applications were determined within the agreed extended timeframe nationally compared to 84% by Medway.
- 3.4 1 Planning Performance Agreement (PPA's) was entered into during the quarter. This related to Otterham Quay Lane.

- 3.5 The percentage of appeals allowed during the quarter is 37%. Appeals decided comprise 4 delegated decisions and 1 Committee decision which overturned the officer recommendation. There were also 3 decisions in relation to enforcement appeals, which included one with costs awarded in favour of the Council, the amount of which has yet to be agreed. (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 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 £488,509 has been received via S106 contributions and £73,340 has been received for Habitat Regulations Agreements. This makes a total of £561,849.
- 5.3 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 made permanent on the basis to liaise with developers with the aim of encouraging commencement.

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 £385,557. 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 and compliments

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 2018*

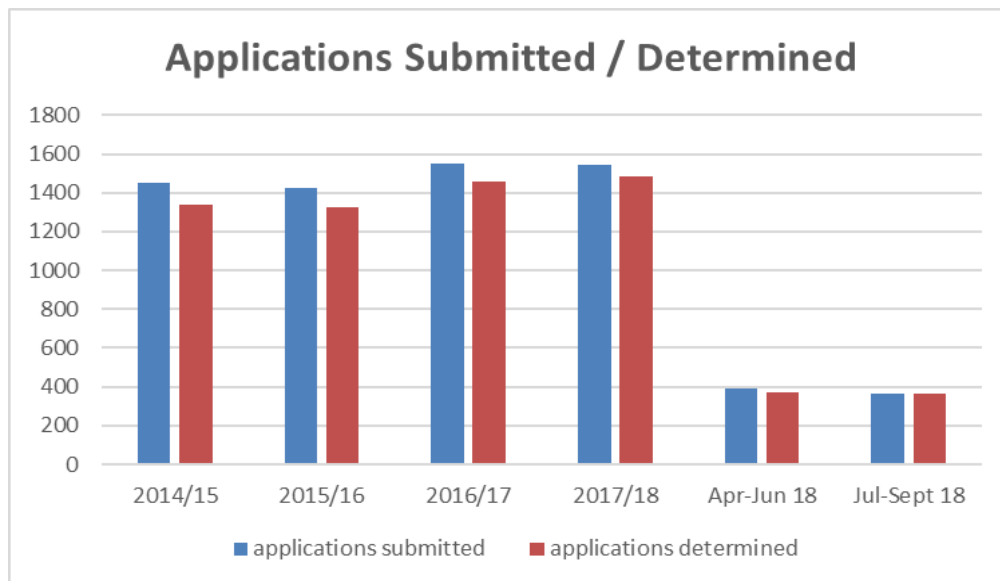


Figure 2 *Percentage of “Major” applications determined against performance target April 2017 to September 2018*

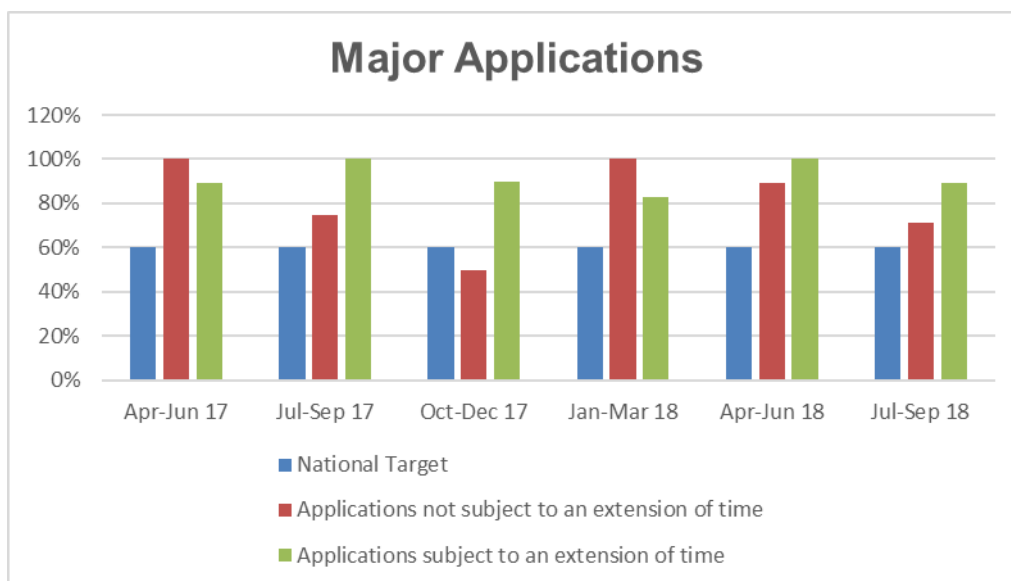


Figure 3 Percentage of “Minor” applications determined against performance target April 2017 to September 2018

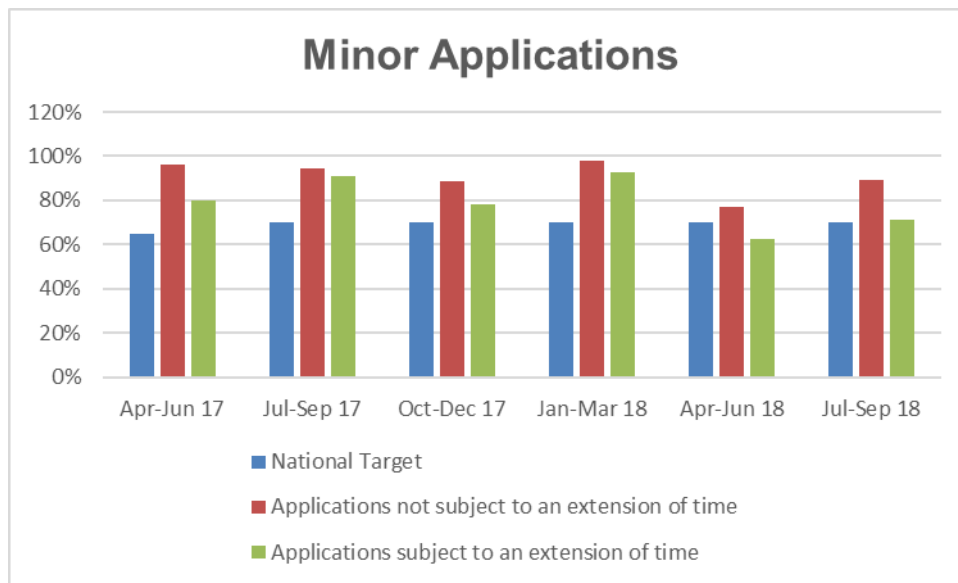


Figure 4 Percentage of “Other” applications determined against performance target April 2017 to September 2018

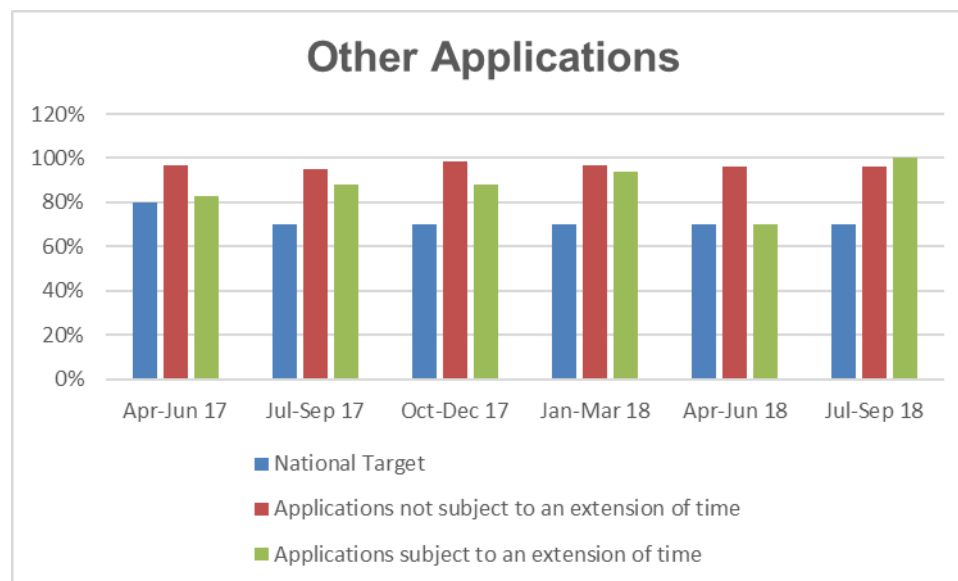
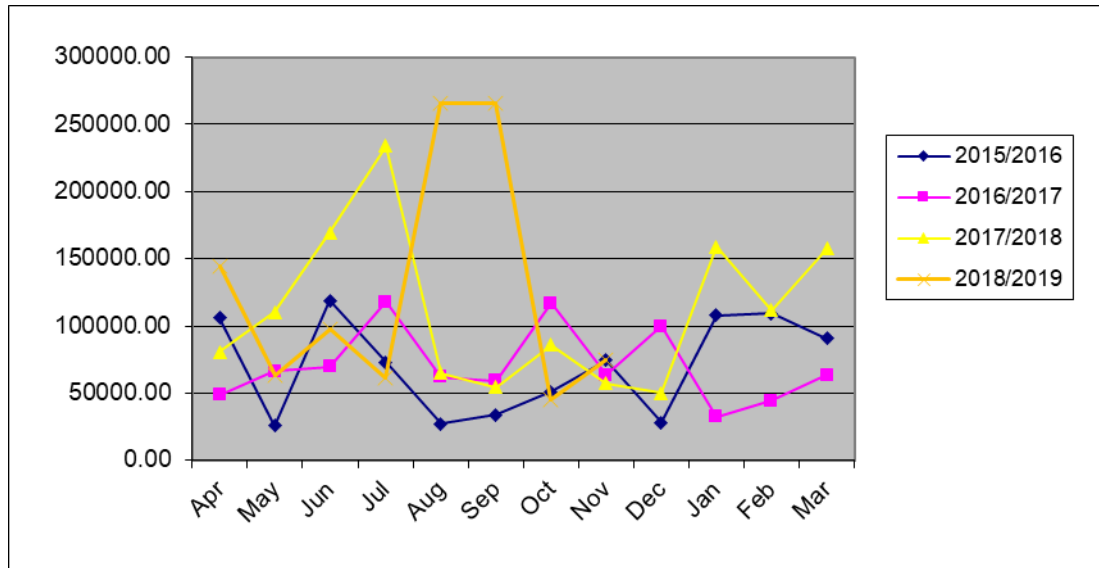


Figure 5 Planning application fees received showing 2015/16, 2016/17, 2017/18 and April to September 2018



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 April to June 2018.

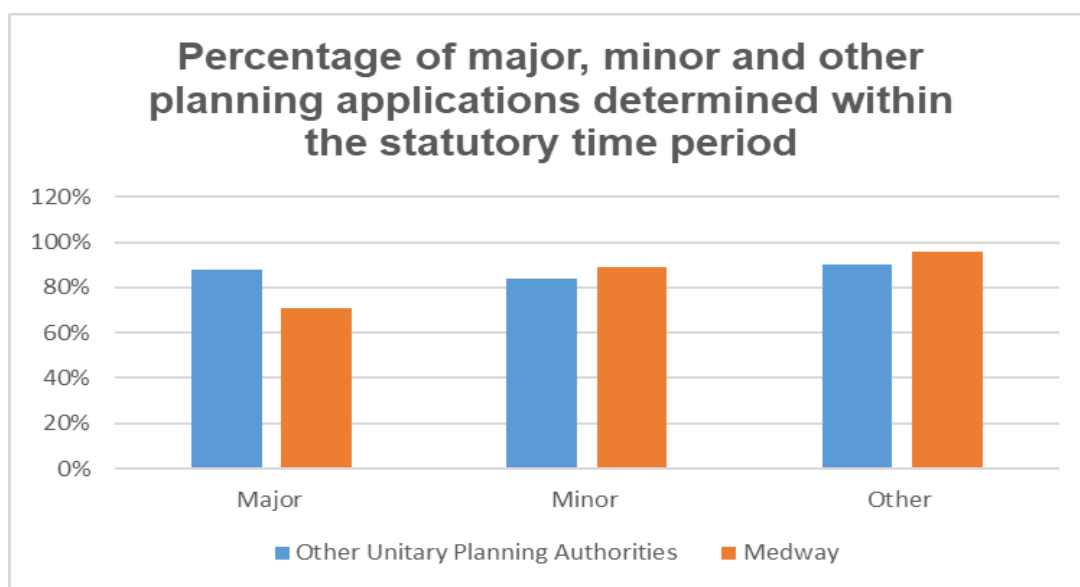
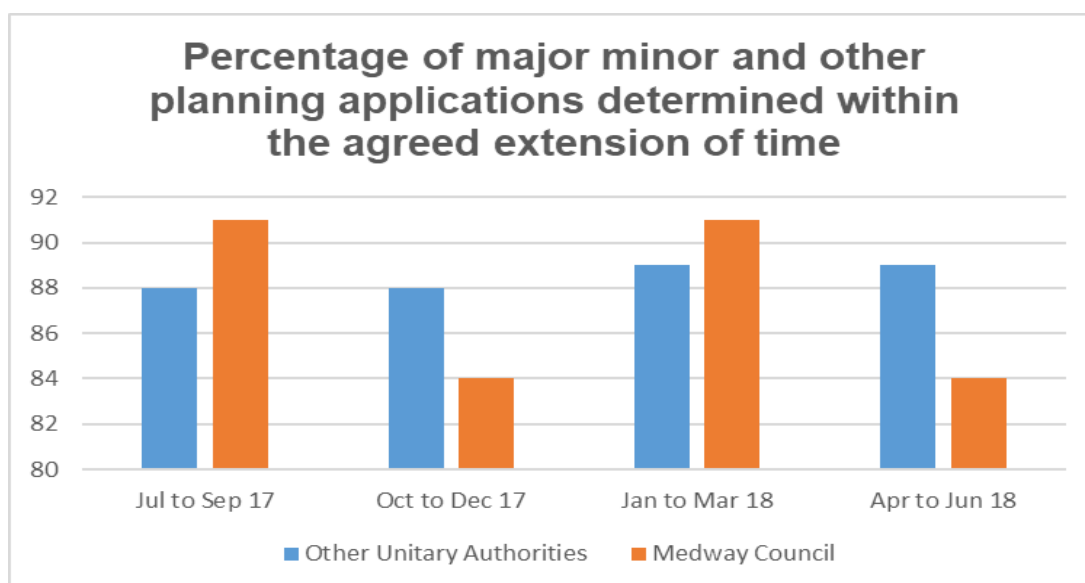


Figure 2 - Applications with a Planning Extension Agreement

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 July 2017 to September 2018*

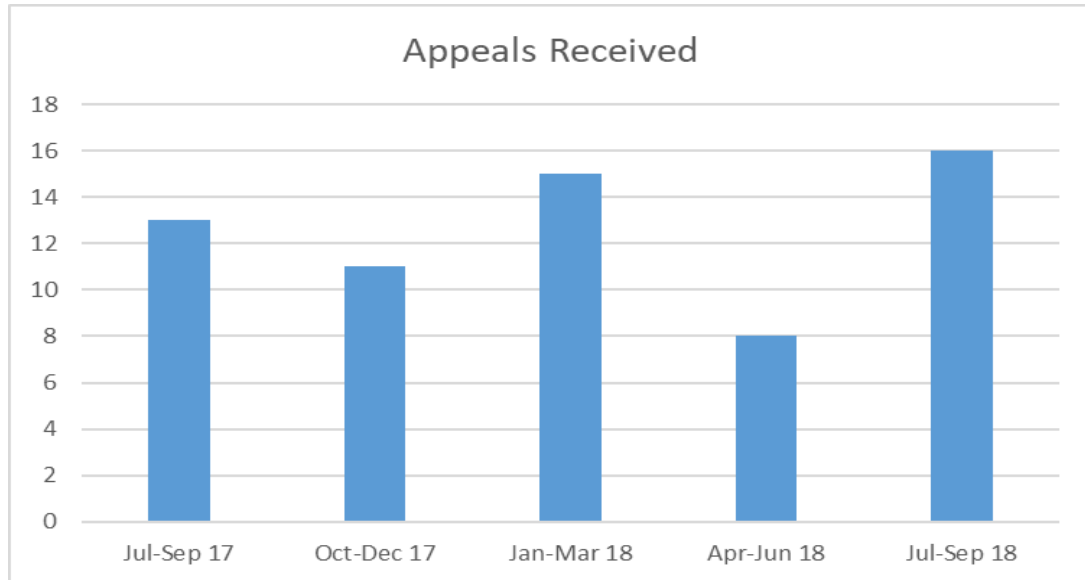
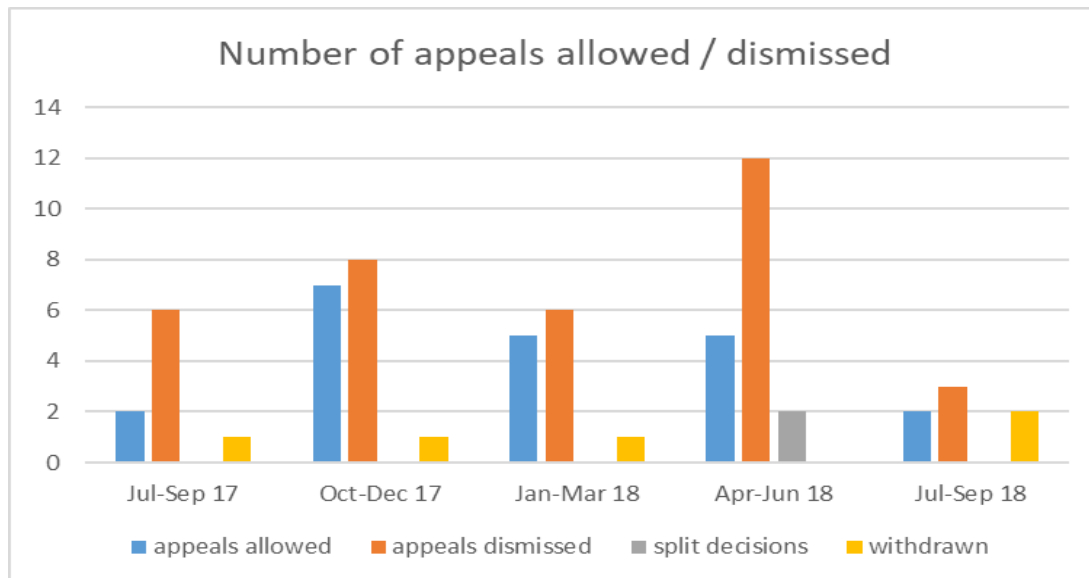
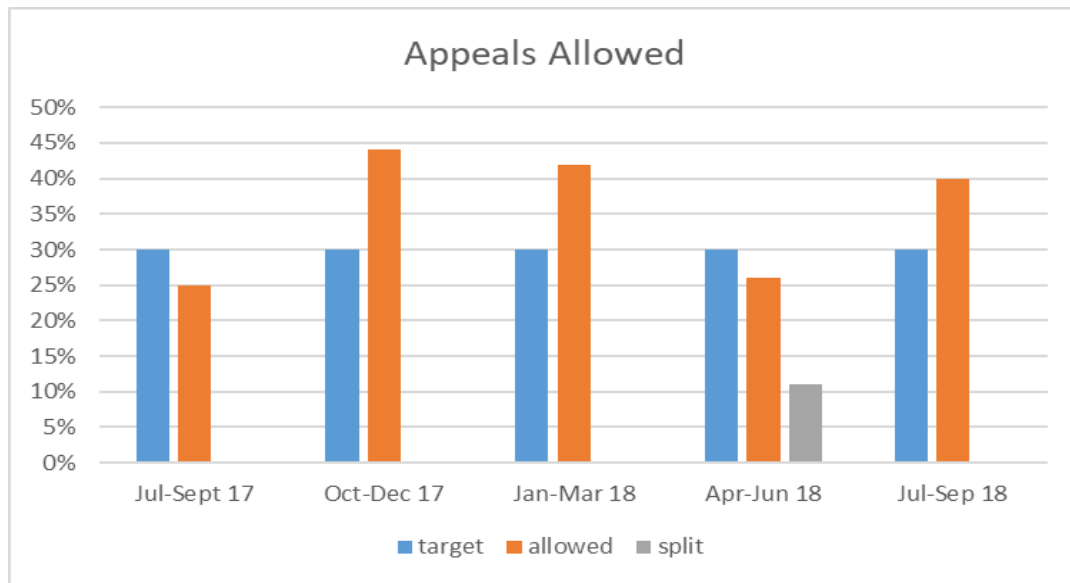


Figure 2 *Number of Appeals allowed / dismissed April 2017 to June 2018*



**Figure 3 : Percentage of appeals allowed against target of 30%
July 2017 to September 2018**



Appendix D : Enforcement

Figure 1 Number of enforcement notices served and prosecutions July 2017 to September 2018

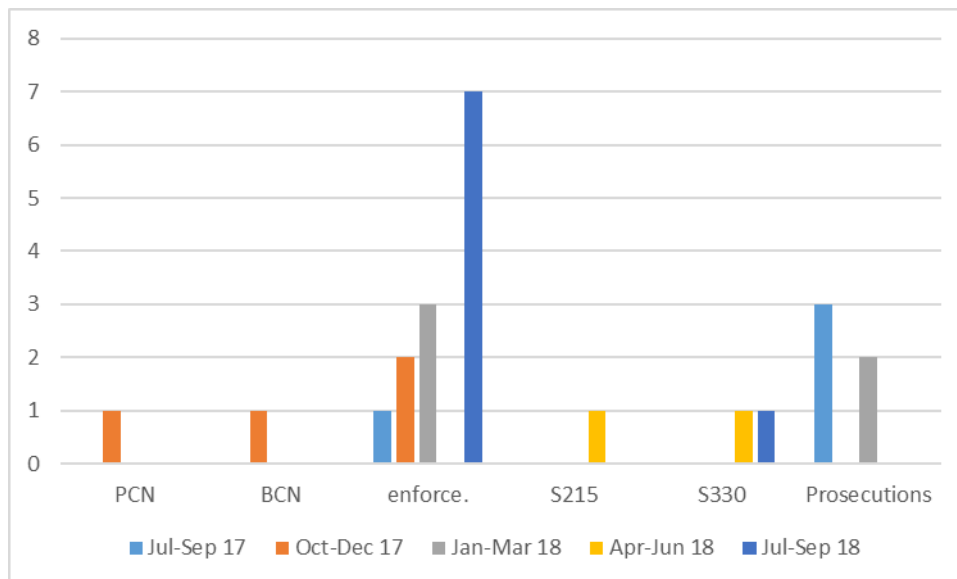
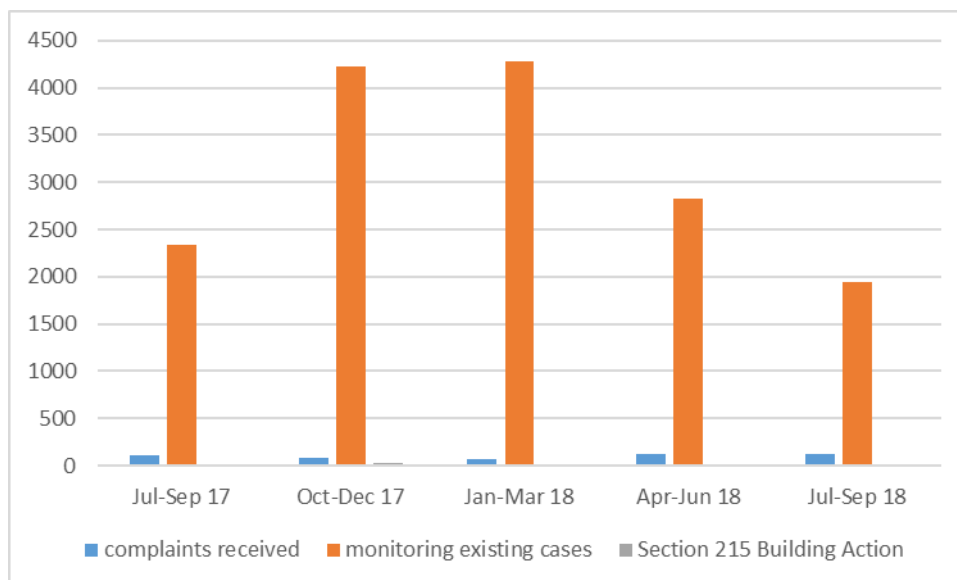


Figure 2 Number of enforcement related complaints and activities July 2017 to September 2018



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 October 2017 to September 2018

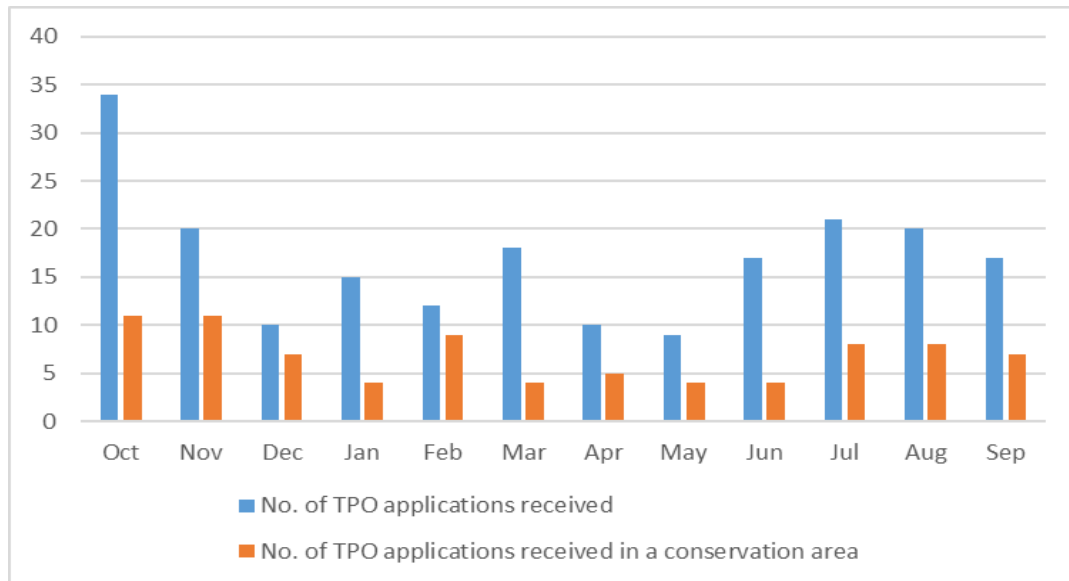
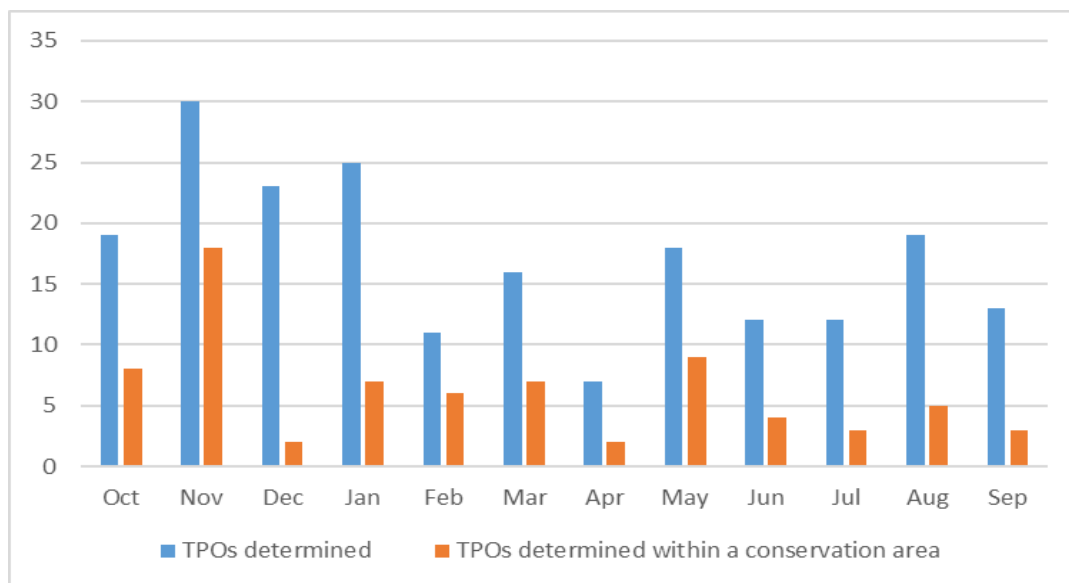


Figure 2 : TPO applications determined from October 2017 to September 2018



Appendix F : Complaints and Compliments

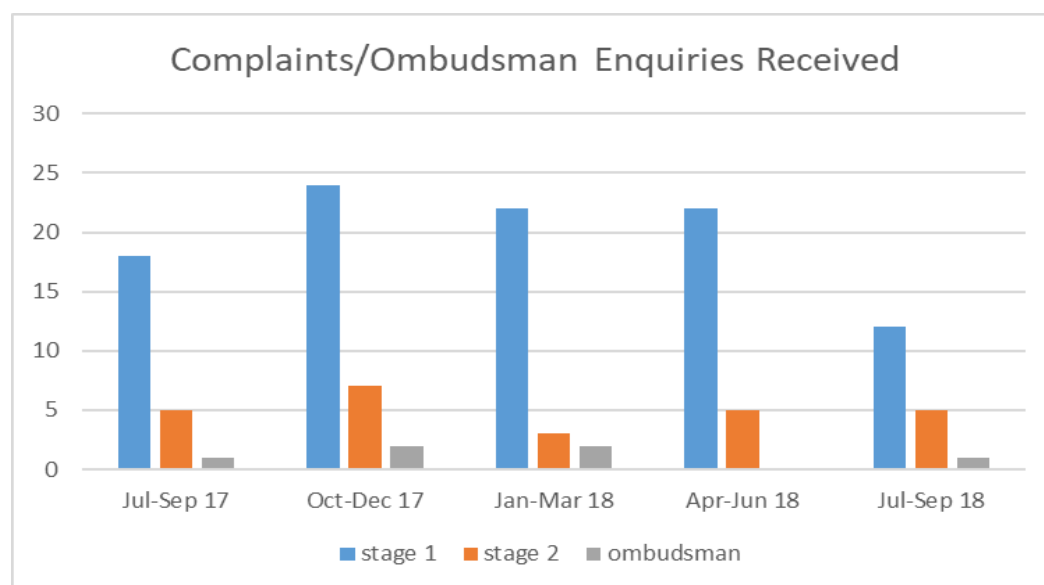
Complaints are received by phone, email, e-form, letter, fax or face-to-face at reception. All complaints are logged with a target deadline date of 10 working days. The chart below shows number of complaints responded to.

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 4 complaints were categorised as unhappy with the decision, 9 did not meet expectations, 1 was poor communication, 1 related to online issues and 2 were poor service quality.



During the quarter 17 complaints were answered, with 94% being answered within the target time of 10 working days, 5 of which had been escalated to Stage 2. 13 complaints were dismissed where no fault was found and 3 were partially upheld and 1 was upheld for the following reasons:

- Application should have been published in the press due to being a departure from the Local Plan
- 2 related to the same site where the developer was not adhering to the CEMP
- Failure to consult owner of tree by the Admin Hub when application submitted by neighbour to carry out works to protected tree.

One new enquiry raised by the Ombudsman during the quarter in relation to lack of enforcement action regarding decking.

One investigation was determined by the Ombudsman during the quarter where no fault was found due to insufficient evidence.

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

- 'We have worked with many Councils over several decades and it would be fair to say that it has been a pleasure dealing with Medway because they do very much look at the discussions as a partnership'
- 'this officer was extremely helpful and informative, especially as she was not the appointed case worker and was simply covering for a colleague on leave'
- 'As a direct result of you finding the 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'.