

## **PLANNING COMMITTEE**

**13 FEBRUARY 2019**

### **PERFORMANCE REPORT: 1 OCTOBER TO 31 DECEMBER 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 F 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 to 31 December 2018 the authority received 349 planning applications; this is compared to 370 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 62%. Applications subject to an extension of time is 86%. This provides a combined percentage of 77% 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 82%. Applications subject to an extension of time is 79%. This provides a combined percentage of 81% 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 85%. This provides a combined percentage of 95% 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 2018), Medway performed above the national average for Other applications but marginally below the national average for Minor applications but significantly below the national average for Major applications (see Appendix B). The drop in majors was due to two applications with an extension of time agreement going out of time in October. The situation is being monitored and performance of 100% was achieved in November and December.

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 63 applications with Planning Extension Agreements were decided, this compares to 58 in the previous quarter (see Appendix C). Comparing performance against national data for the period July to September 2018, 89% of applications were determined within the agreed extended timeframe nationally compared to 83% by Medway.

- 3.4 7 Planning Performance Agreement (PPA's) were entered into during the quarter. These related to:
- London Thamesport, Isle of Grain
  - Land at East Hill, Chatham
  - Gibraltar Farm, Hempstead
  - Chatham Waterfront
  - Britton Farm, Gillingham
  - Whiffens Avenue Car Park, Chatham
  - Land at Cornwallis Avenue and Yokasuka Way, Gillingham
- 3.5 The quality of decisions is reviewed by Government and the threshold for designation on applications for both major and non-major development is 10% of an authority's total number of decisions being allowed on appeal. For the 24 months to the end of June 2017, Government stats show the number of decisions overturned at appeal for major applications is 1.8% and for non-major applications is 0.9%.
- 3.6 The percentage of appeals allowed during the quarter is 21%. Appeals decided comprise 17 delegated decisions and 11 Committee decisions, 8 which overturned the officer recommendation. One Committee overturn incurred costs of £3,562.50. There were no decisions in relation to enforcement appeals. (See Appendix D).
- 3.7 The validation of tree preservation orders applications is now done by the planning service, but the administration of tree enquiries and the making of new TPO's 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.
- 3.8 The Annual Medway Monitoring Report 2018 (AMR) was presented to Cabinet in December. The AMR provides an overview of the context of development in Medway and provides monitoring information and statistical data for the period April 2017 – March 2018. It is a key mechanism for the Council's Planning Service in assessing the progress being made towards achieving its goals for economic growth, protecting the natural and historic environment and meeting the needs of its communities. Key housing delivery statistics are reported in Appendix H.
- 3.9 The service achieved its 3 year ISO 9001:2015 re-certification in December 2018. The Executive Summary concluded that in line with the strategic direction and intended results of the Planning Service, particularly with regard to continuously improving its processes, the management system has demonstrated that it continues to provide a framework that supports the client's strategy whilst meeting the needs and requirements of both external and internal interested parties, maintaining a risk-based approach.

#### **4. Advice and analysis**

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

#### **5. Consultation**

- 5.1 Work progress on preparation of evidence documents was presented to Cabinet in December 2018. Cabinet agreed the revised Local Development Scheme, which delays production of draft Local Plan until early Summer. The reasons for this are due to continual Government changes to housing and population projections and the need to await the outcome of the housing infrastructure fund decision.

Consultation events continue with local communities, developers and stakeholders, including environmental, transport and retail issues. Duty to co-operate meetings with neighbouring local planning authorities and statutory organisations have also taken place.

- 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 £228,638 has been received via S106 contributions and £86,317 has been received for Habitat Regulations Agreements. This makes a total of £314,955.
- 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.
- 5.4 Medway Council in its remit as Lead Local Flood Authority was made a statutory consultee in respect of surface water for major development on 15 April 2015. Statutory consultees have a duty to respond to statutory consultations within 21 days in accordance with Article 22 of the Development Management Order. The 21 day period does not begin until the statutory consultee in question has such information to enable a substantive response.
- 5.5 The Lead Local Flood Authority also receive consultations where relevant for some minor developments, change of use applications, Environmental Impact Assessment (EIA) Scoping and Screening, pre-application consultations, and variation of condition applications. An internal target of 80% responses within the timeframes has been set for all consultations. There are no nationally set applicable external targets. Statutory Consultee compliance results are reported in Appendix G.

## **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/consultants 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 Housing White Paper 'Fixing our broken housing market'. The proposals set out in the 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 £193,500. Total income for the year 2017/18 is £907,846.40. 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.

### **Lead officer contact**

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### **Appendices**

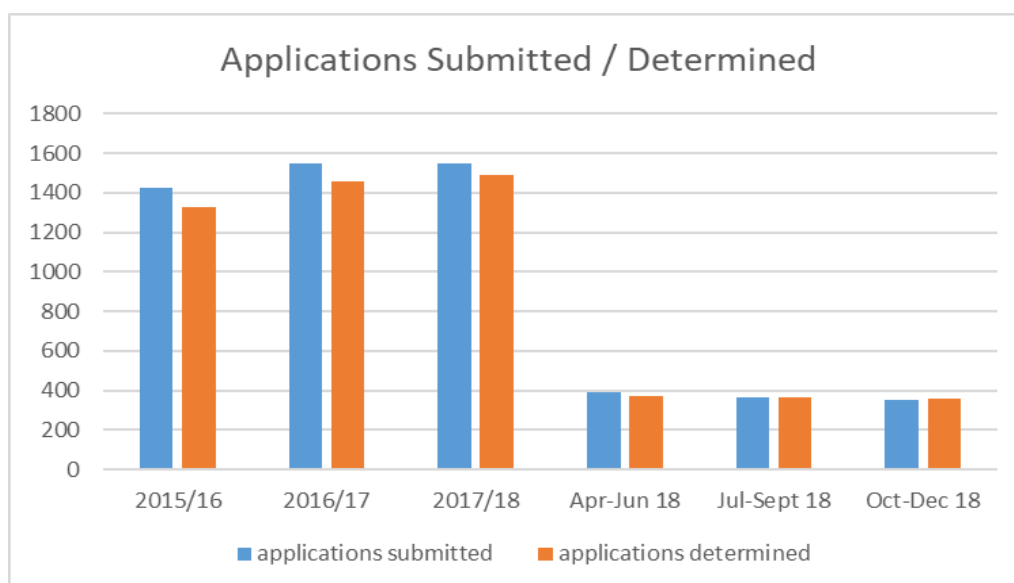
- A) Applications
- B) Benchmarking
- C) Appeals
- D) Enforcement
- E) Tree Preservation Order Applications
- F) Complaints
- G) Lead Local Flood Authority Consultation Compliance
- H) AMR : Housing Delivery

### **Background papers**

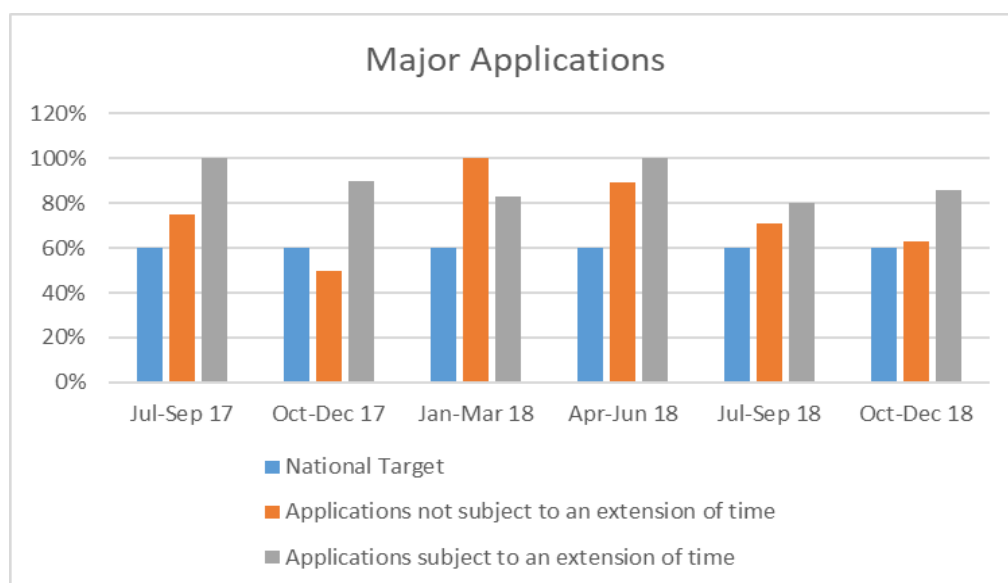
General Development Control Return PS1  
General Development Control Return PS2  
HCLG Live tables on planning applications statistics  
Medway Council 's Authority Monitoring Report 2017/18

## **Appendix A : Applications**

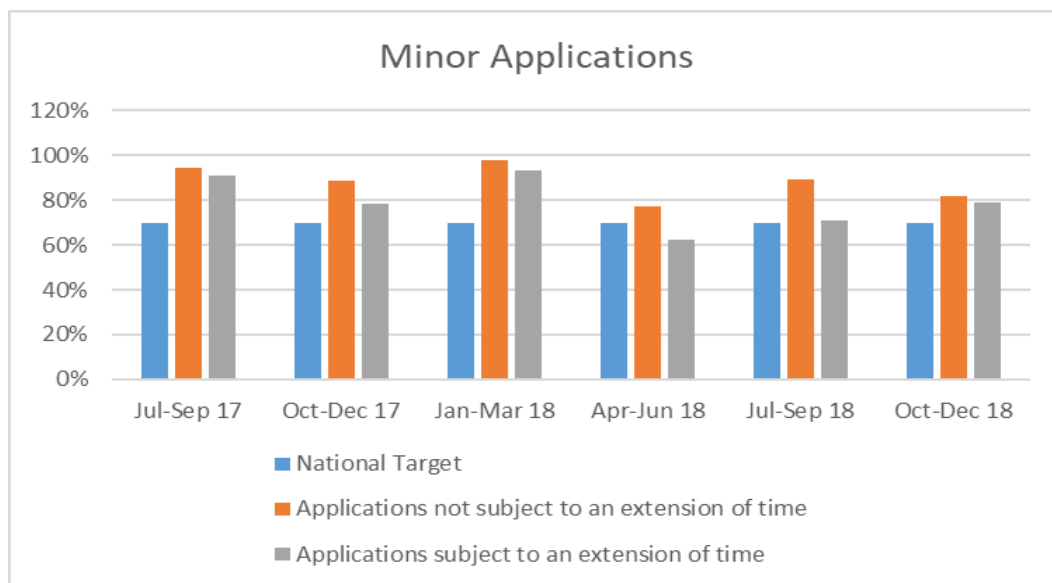
**Figure 1**      ***Number of applications received and determined 2015/16 to December 2018***



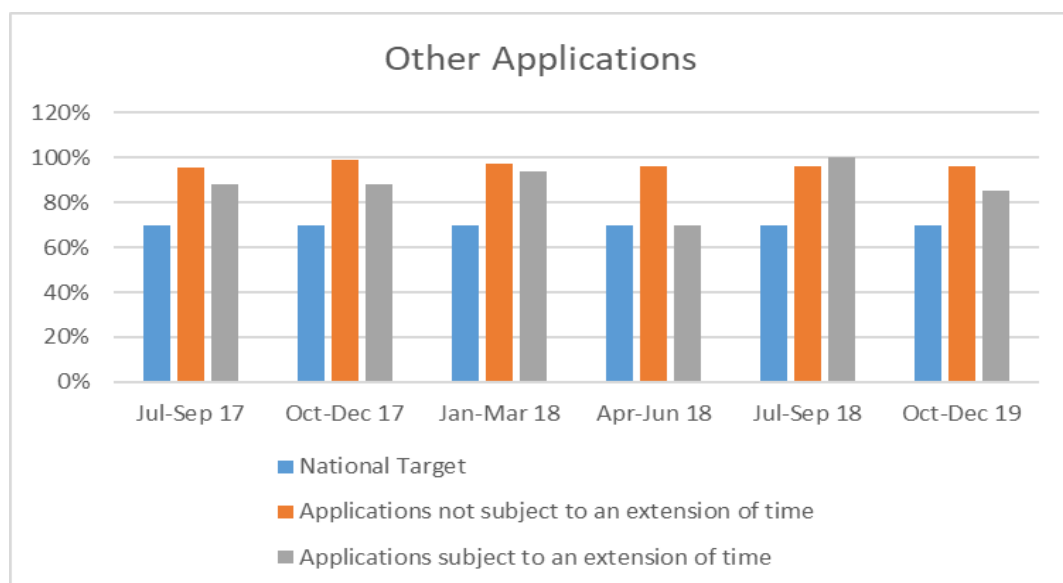
**Figure 2**      **Percentage of “Major” applications determined against performance target July 2017 to December 2018**



**Figure 3** Percentage of “Minor” applications determined against performance target July 2017 to December 2018

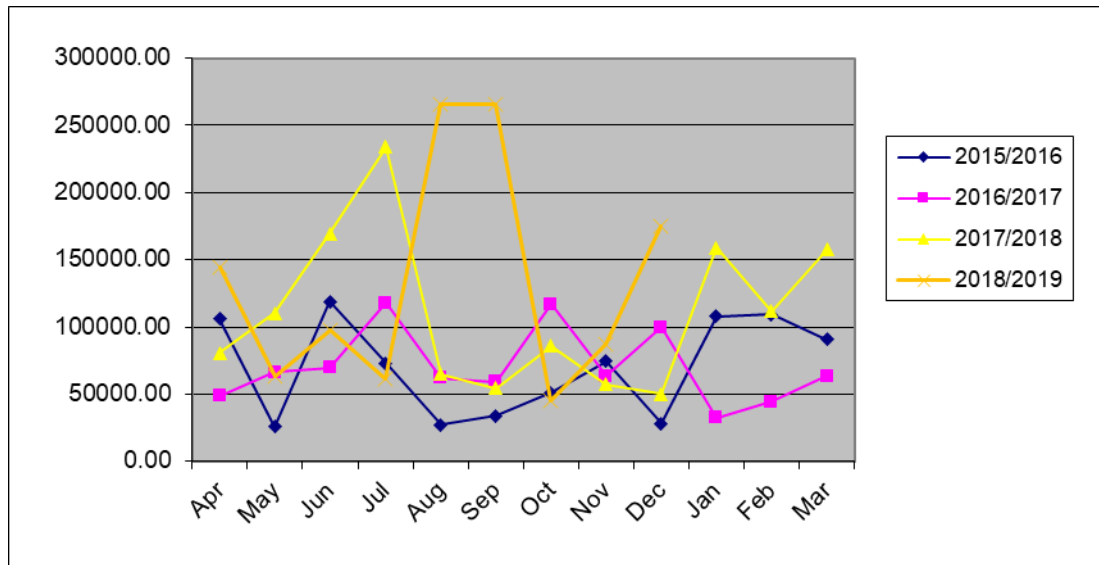


**Figure 4** Percentage of “Other” applications determined against performance target July 2017 to December 2018





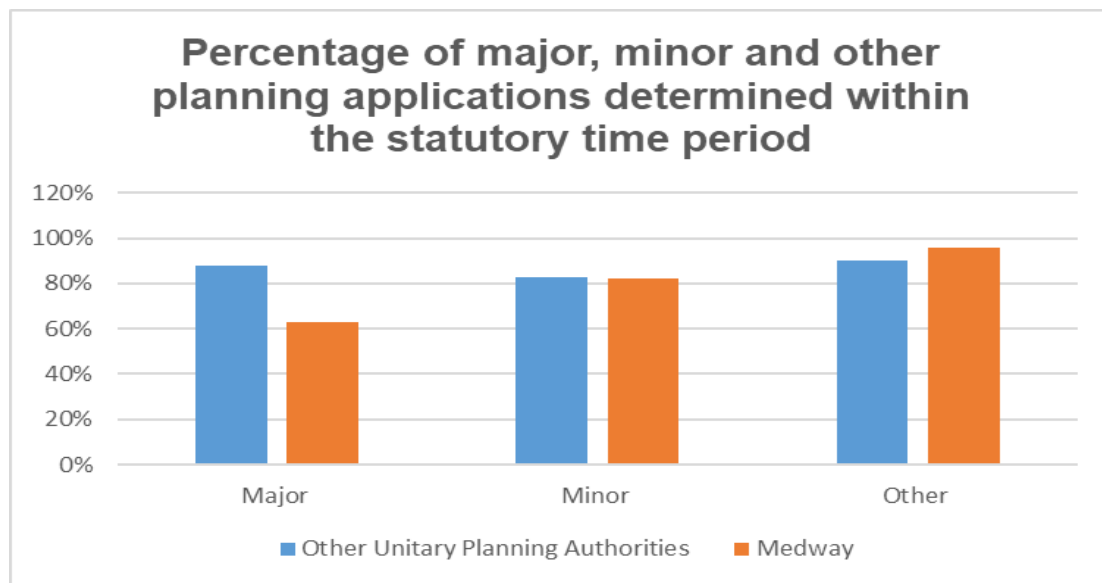
**Figure 5** Planning application fees received showing 2015/16, 2016/17, 2017/18 and April to December 2018



## **Appendix B : Benchmarking**

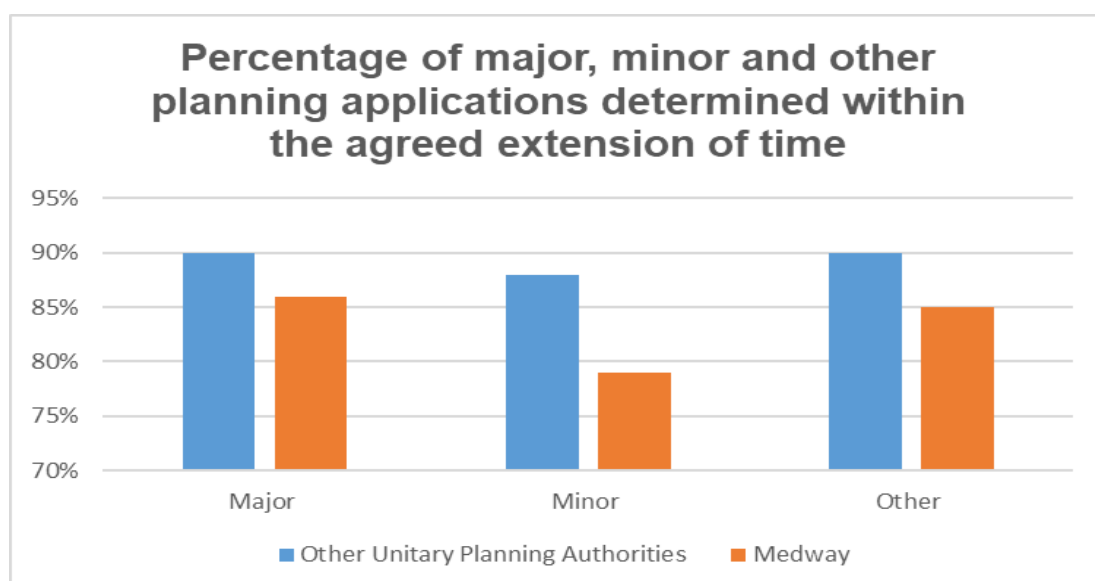
**Figure 1 – Planning applications determined within the statutory timeframe**

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 July to September 2018.



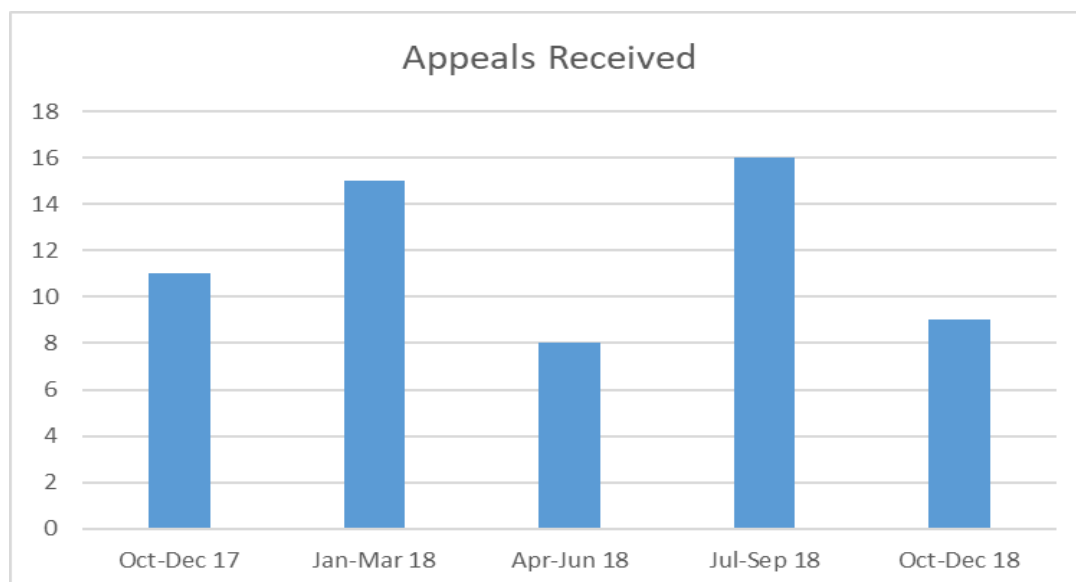
**Figure 2 - Applications with a Planning Extension Agreement**

Government produced statistics and league tables compares performance to the national average. The chart below compares the performance with the latest data available for other unitary authorities, which is July to September 2018, for applications with a Planning Extension Agreement.

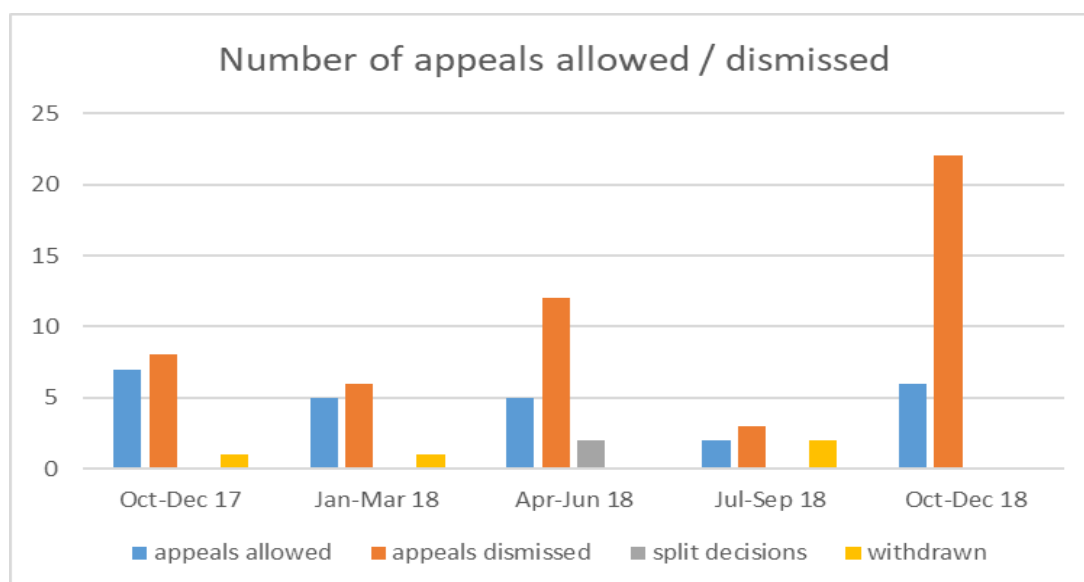


## **Appendix C : Appeals**

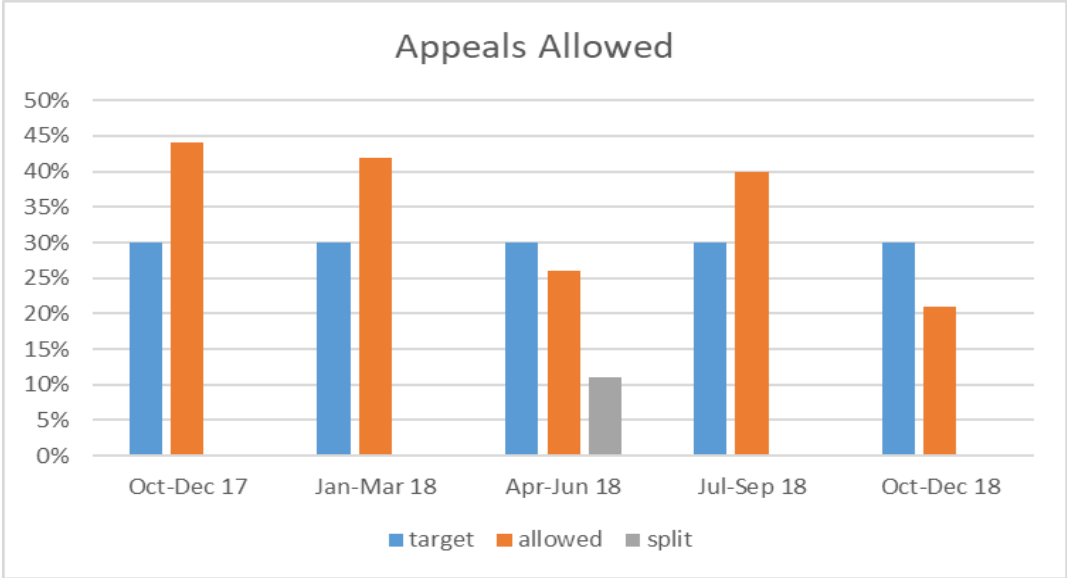
**Figure 1**      *Number of appeals received from October 2017 to December 2018*



**Figure 2**      *Number of Appeals allowed / dismissed October 2017 to December 2018*

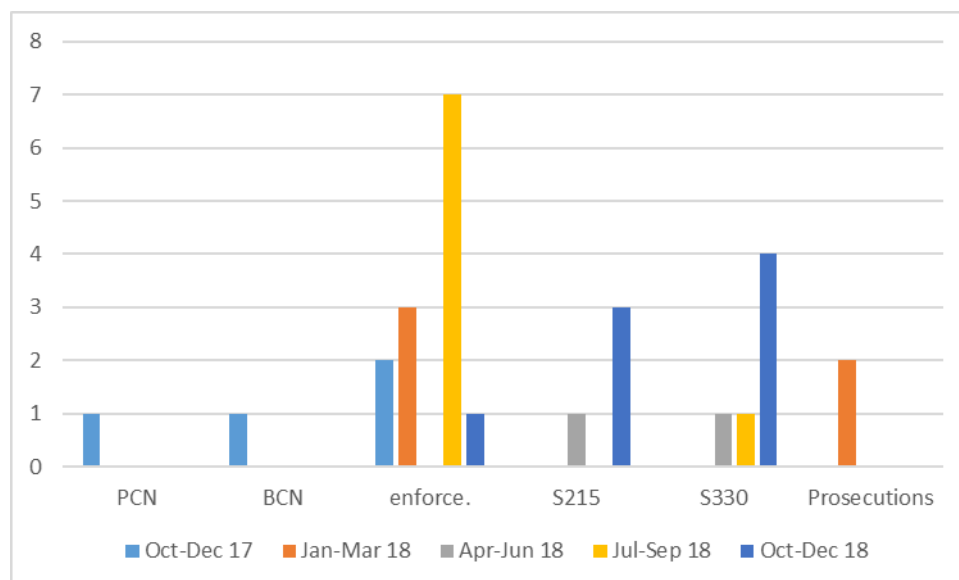


**Figure 3 : Percentage of appeals allowed against target of 30%  
October 2017 to December 2018**



## Appendix D : Enforcement

**Figure 1**      **Number of enforcement notices served and prosecutions**  
**October 2017 to December 2018**



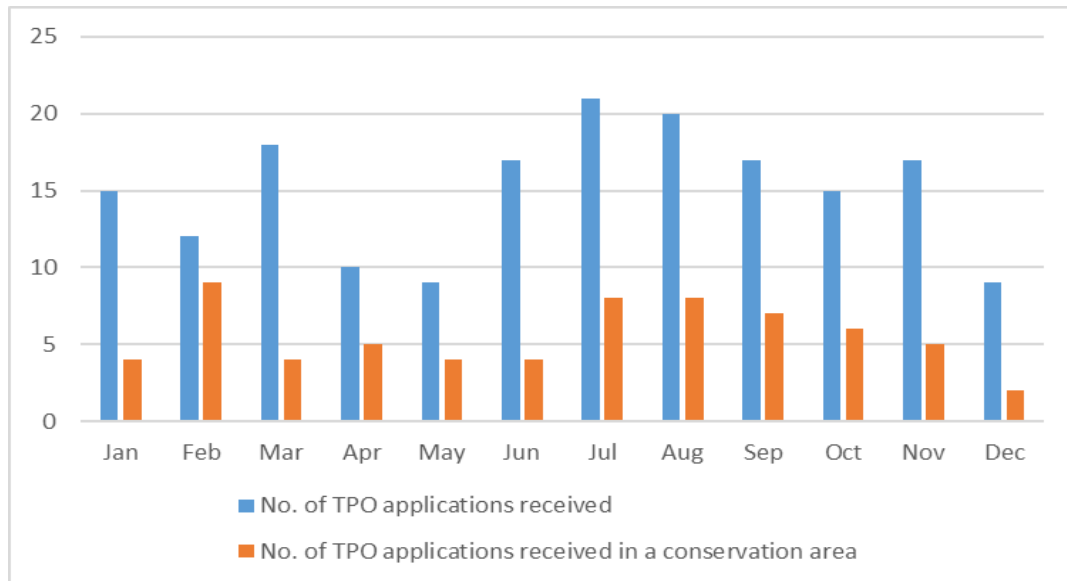
**Figure 2**      **Number of enforcement related complaints and activities**  
**October 2017 to December 2018**



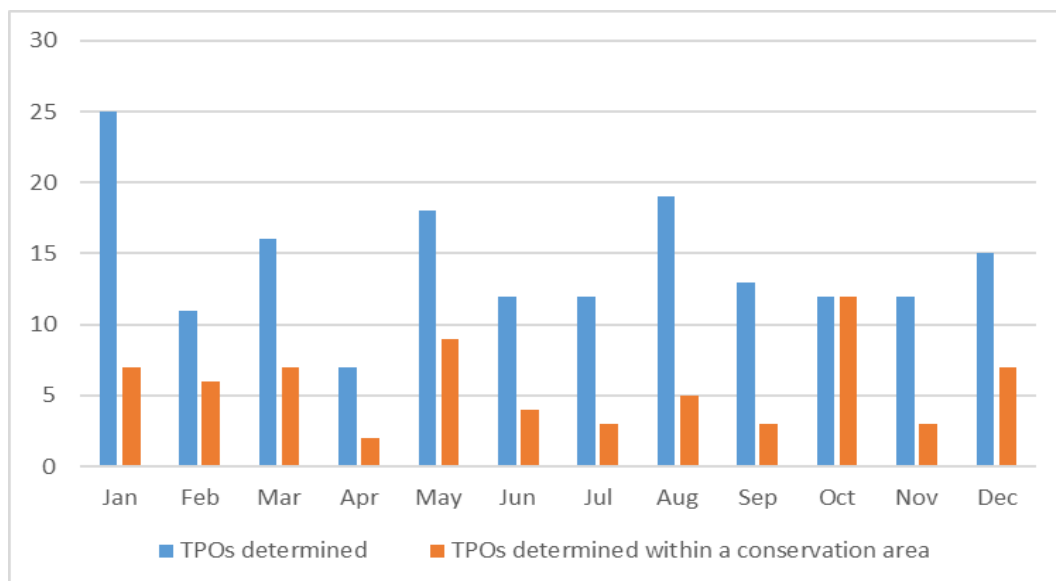
Due to data cleansing which took place during the migration of information from Acolaid to Uniform there has been a significant fall in the number of existing cases on the system.

## **Appendix E : Tree Preservation Order Applications**

**Figure 1 : TPO applications received from January 2018 to December 2018**



**Figure 2 : TPO applications determined from January 2018 to December 2018**



## **Appendix F : Complaints and Compliments**

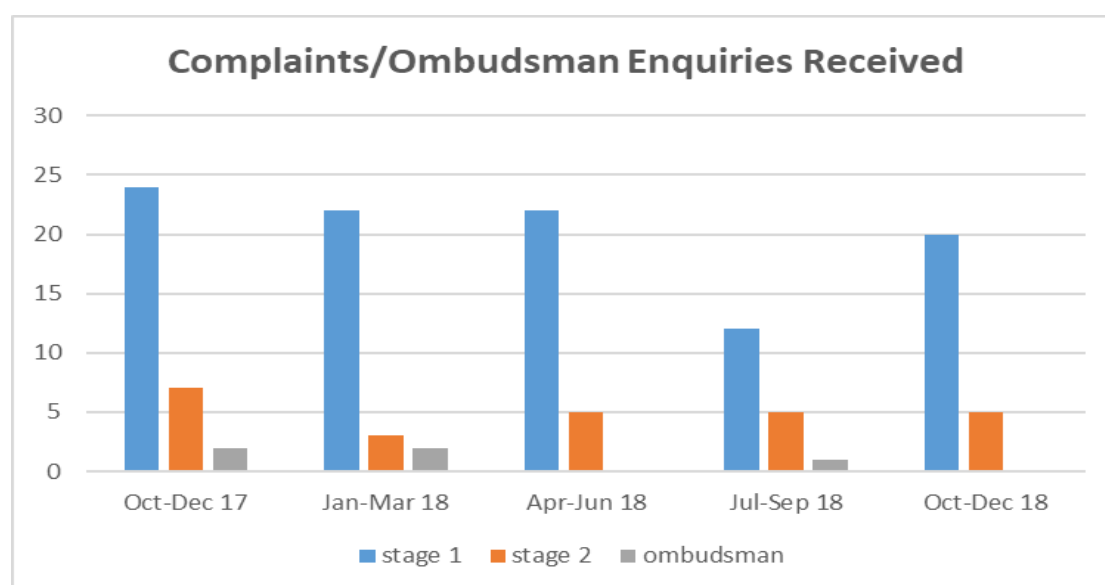
Complaints are received by phone, email, e-form, letter, fax or face-to-face at reception. All complaints are logged with a target deadline date of 10 working days. The chart below shows number of complaints responded to.

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 26 complaints were answered, with 96% being answered within the target time of 10 working days, 5 of which had been escalated to Stage 2. 26 complaints were dismissed where no fault was found.

There were no new enquiries raised by the Ombudsman during the quarter.

Four investigations were carried out by the Ombudsman during the quarter and in each case 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:

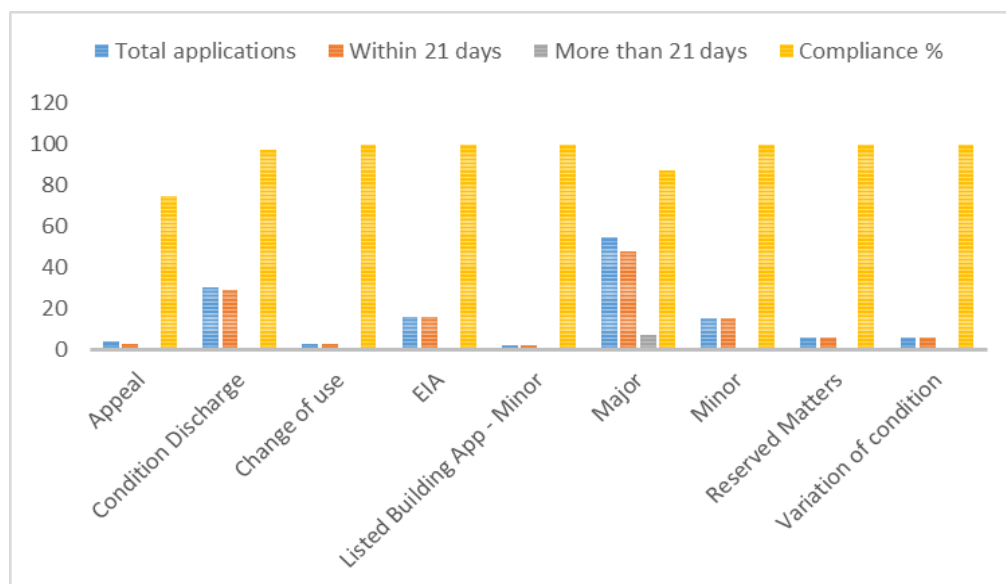
- This case is a good example of how sensible negotiation can achieve a good outcome for all concerned.

- Thank you for all your help throughout the process, and particularly for bringing the timing issue to the attention of your colleague. Please pass on my thanks to them for looking at this and turning it around.
- Please congratulate your Planning Team who do deserve recognition of the engagement and partnership working that they created.



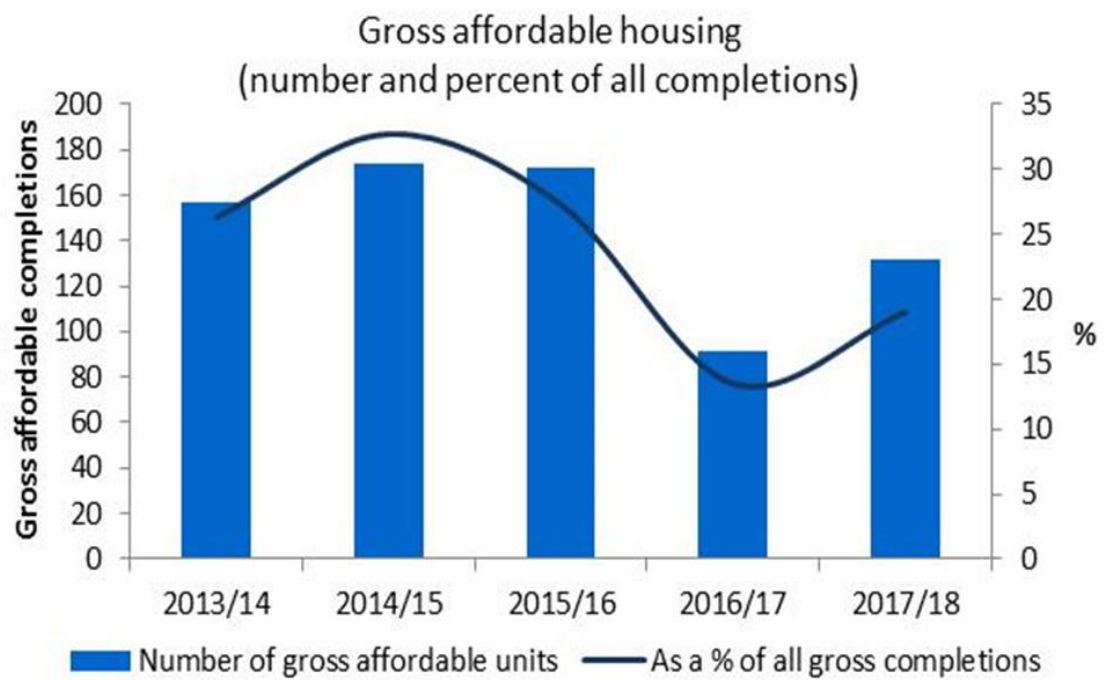
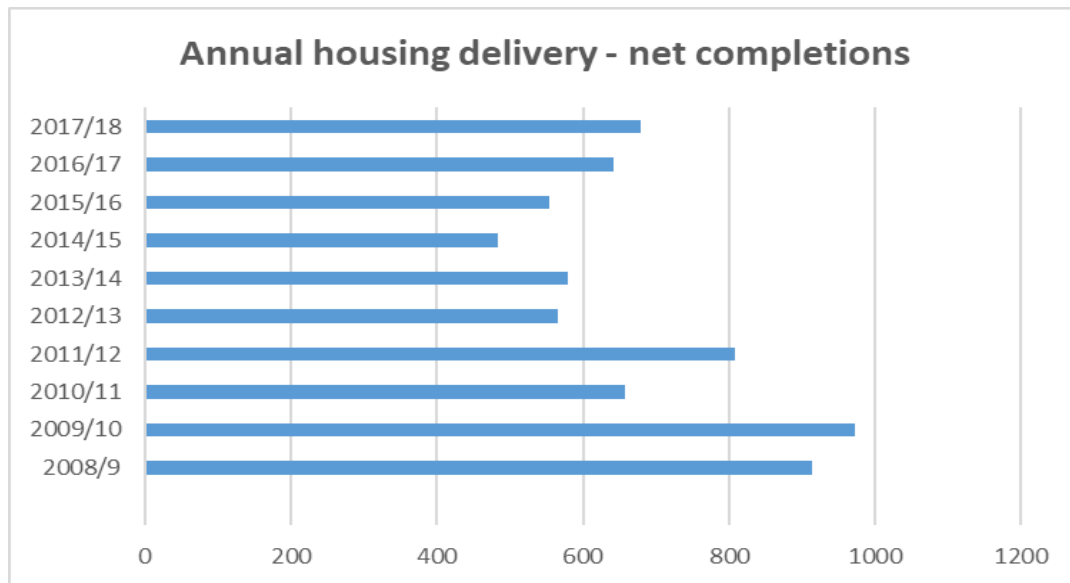
## **Appendix G : Lead Local Flood Authority Consultee Compliance**

Statutory Consultee compliance results from 1 April 2018 to 31 December 2018

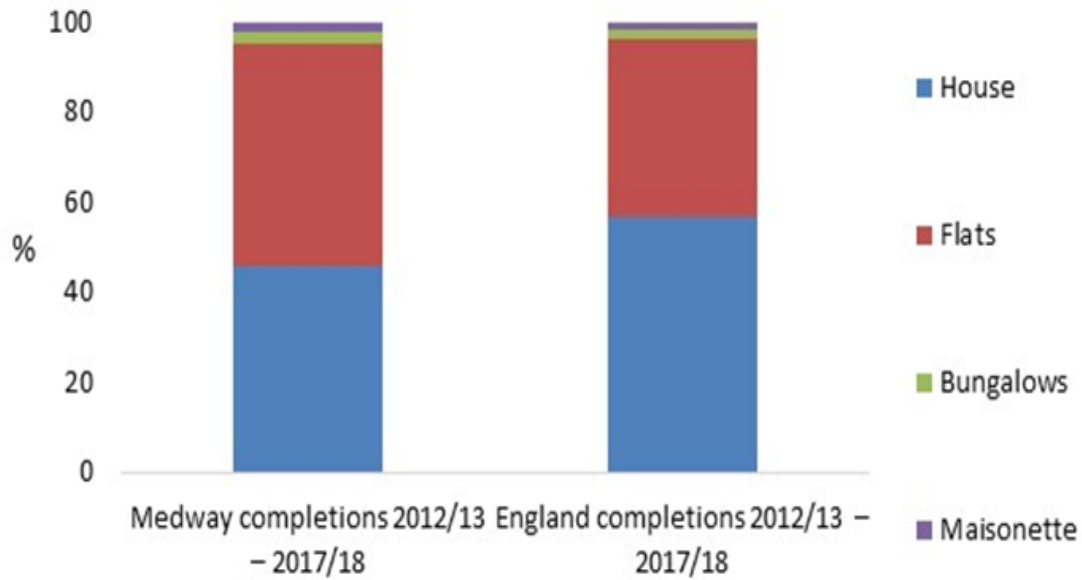


Overall compliance for all types of consultations received is 90%, therefore 10% above the internally set target. Percentage compliance was not attained for all appeal consultations. This was due to outstanding issues which required further dialogue between the developers, LPA and LLFA with a consultation turn round of 26 days as opposed to 21 for one application.

## Appendix H : Housing Delivery



## Dwelling types completed in Medway and England 2013/14 - 2017/18 (%)



## Medway Housing Trajectory (cumulative series) 2012/13-2032/33

