

## **PLANNING COMMITTEE**

**26 JUNE 2019**

### **PERFORMANCE REPORT: 1 APRIL 2019 TO 31 MARCH 2019**

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 January to 31 March 2019 the authority received 367 planning applications; this is compared to 396 for the same period

in 2018. For the year 2018/19 the authority received 1456 applications, this compares to 1546 in 2017/18.

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 67%. Applications subject to an extension of time is 78%. This provides a combined percentage of 75% 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 88%. This provides a combined percentage of 94% 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 88%. 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 (October to December 2018), Medway performed above the national average for Other and Minor applications but significantly below the national average for Major applications (see Appendix B). The drop in majors was due to three applications being determined out of the statutory or agreed timeframe. The situation is being monitored.

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 51 applications with Planning Extension Agreements were decided, this compares to 63 in the previous quarter (see Appendix C). Comparing performance against national data for the period October to December 2018, 89% of applications were determined within the agreed extended timeframe nationally compared to 86% by Medway.
- 3.4 13 Planning Performance Agreement (PPA's) were entered into during the quarter. These related to:

- Bardell Wharf
- Britton Farm
- Chatham Waterfront
- Cornwallis Avenue & Yokosuka Way
- East Hill
- Gibraltar Farm
- Gridlink
- Land at East Hill
- Meresborough Road
- Berengrave Nursery
- Thamesport Cement
- Horsted
- Whiffens Avenue

- 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 December 2017, Government stats show the number of decisions overturned at appeal for major applications is 2.7%.
- 3.6 The percentage of appeals allowed during the quarter is 54%. Appeals allowed comprise 5 delegated decisions and no Committee decisions. There were 3 decisions in relation to enforcement appeals, one being a split decision. (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 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. The next external assessment will take place in June 2019.
- 3.9 An internal audit of the Planning Service is currently being undertaken by the Council's Audit and Counter Fraud team. The result of the audit should be available in the next quarterly report.

#### **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 the revised Statement of community Involvement and draft Heritage Strategy.

- 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 £511,673 has been received via S106 contributions and £80,455 has been received for Habitat Regulations Agreements. This makes a total of £592,128.
- 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 The annual forum with Major Developers took place in March 2019. The forum was extremely well attended and feedback following the meeting has been very positive.
- 5.5 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.
- 5.6 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.

- 7.3 Planning income during the quarter period is £537,896. Total income for the year 2018/19 is £1,572,162. This compares to a total income for the year 2017/18 of £1,335,857 and 2016/17 of £844,237. 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.

### **Lead officer contact**

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### **Appendices**

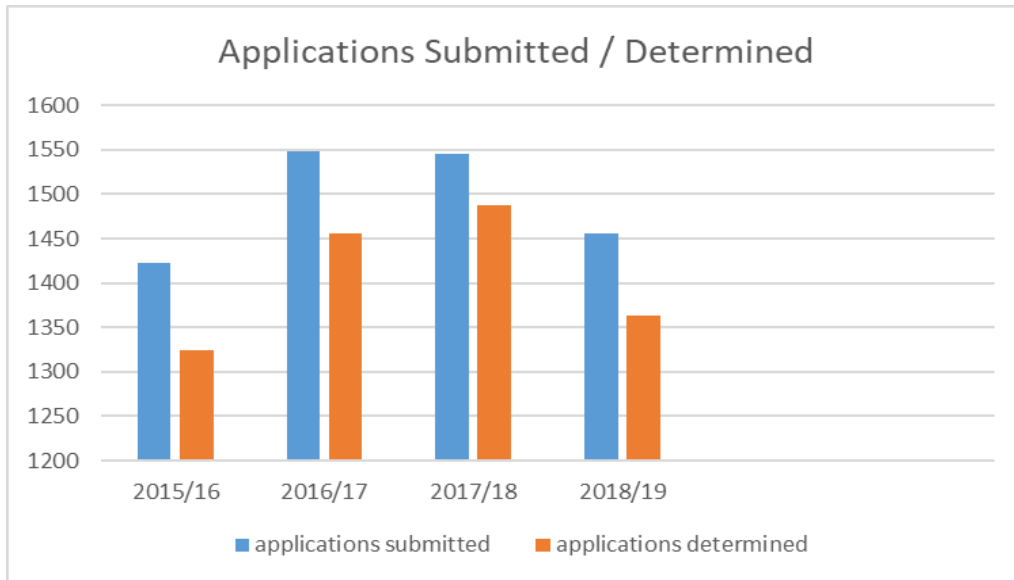
- A) Applications
- B) Benchmarking
- C) Appeals
- D) Enforcement
- E) Tree Preservation Order Applications
- F) Complaints
- G) Lead Local Flood Authority Consultation Compliance

### **Background papers**

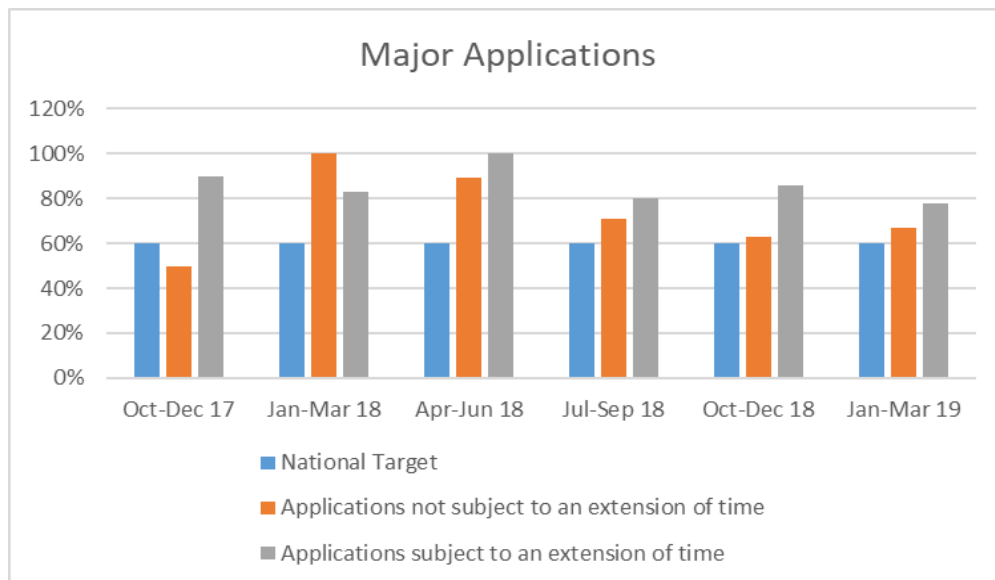
General Development Control Return PS1  
General Development Control Return PS2  
HCLG Live tables on planning applications statistics

**Appendix A : Applications**

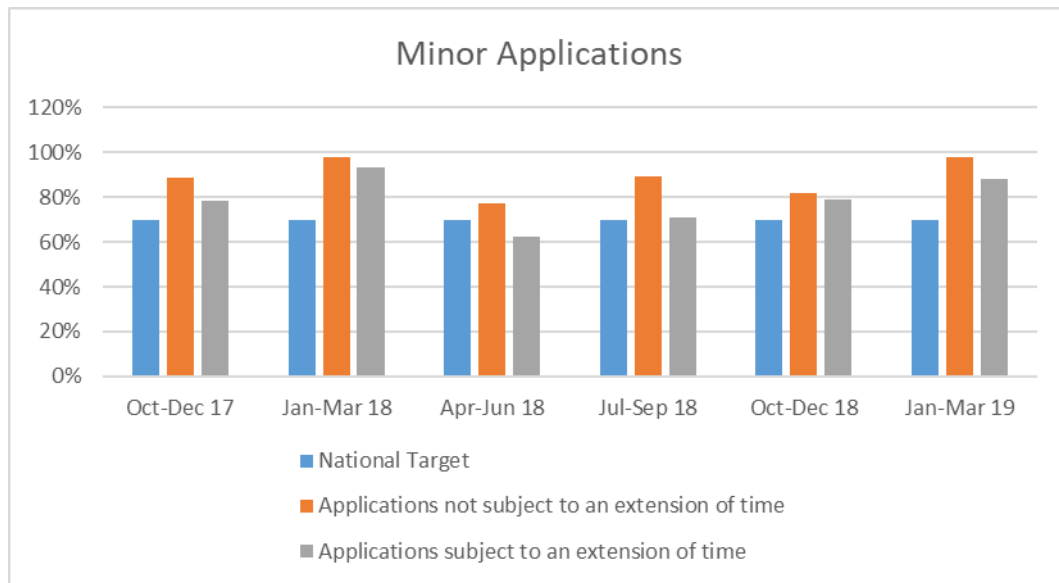
**Figure 1** *Number of applications received and determined 2015/16 to March 2019*



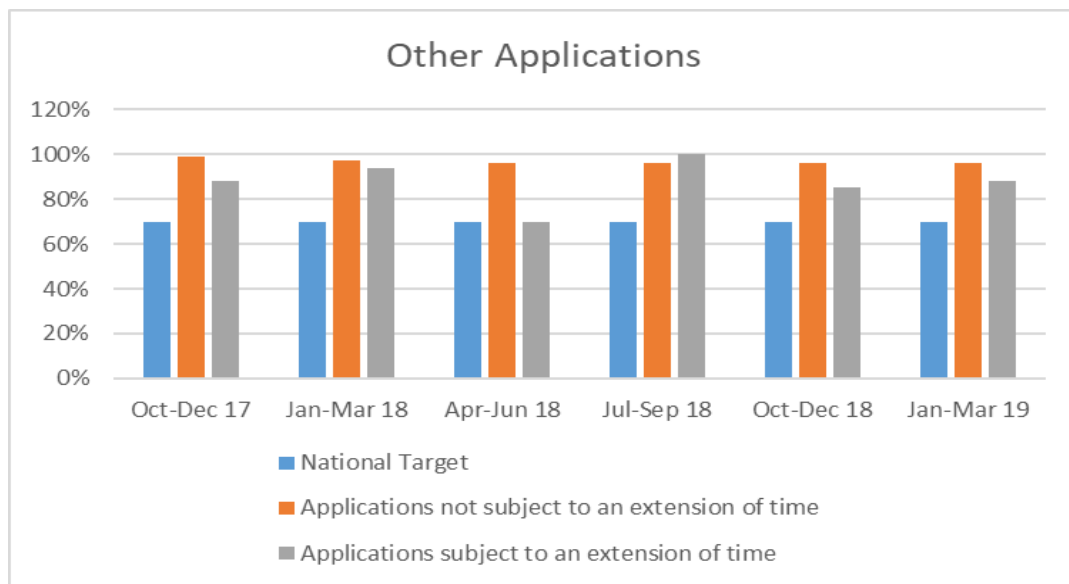
**Figure 2** *Percentage of “Major” applications determined against performance target October 2017 to March 2019*



**Figure 3 Percentage of “Minor” applications determined against performance target October 2017 to March 2019**

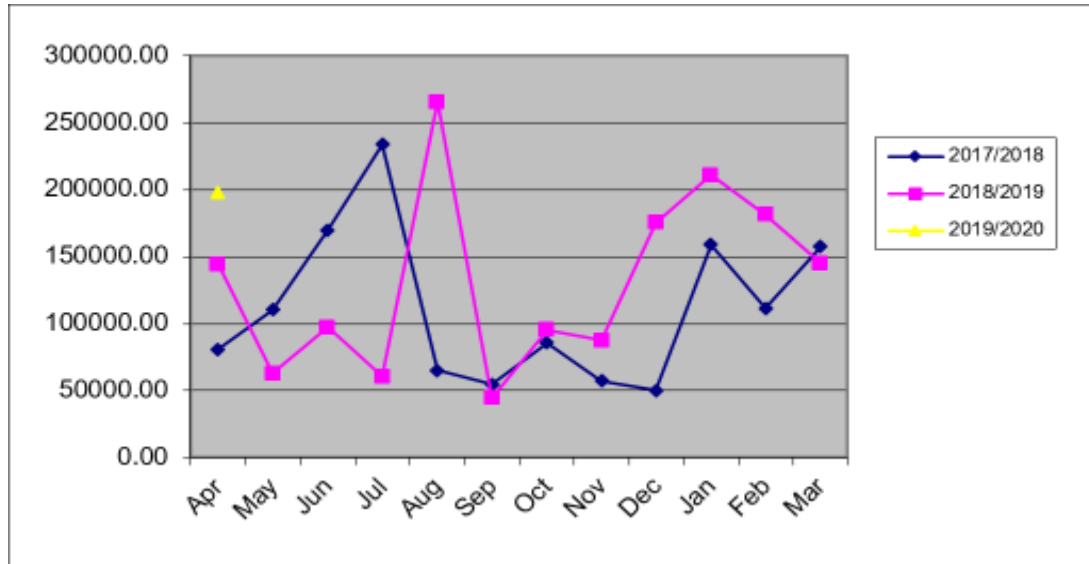


**Figure 4 Percentage of “Other” applications determined against performance target October 2017 to March 2019**





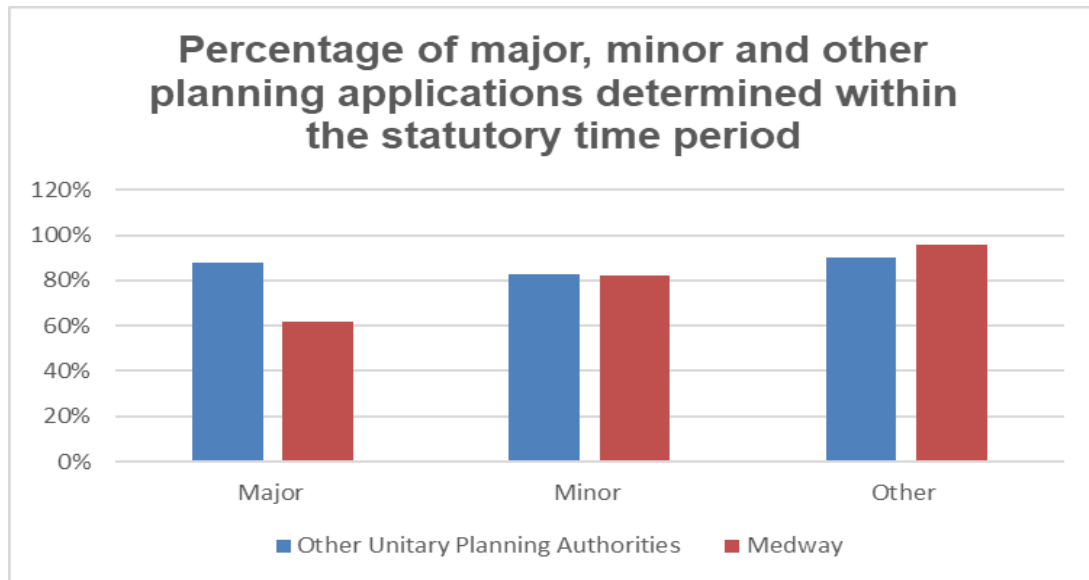
**Figure 5** Planning application fees received 2017/18 and 2018/19



## Appendix B : Benchmarking

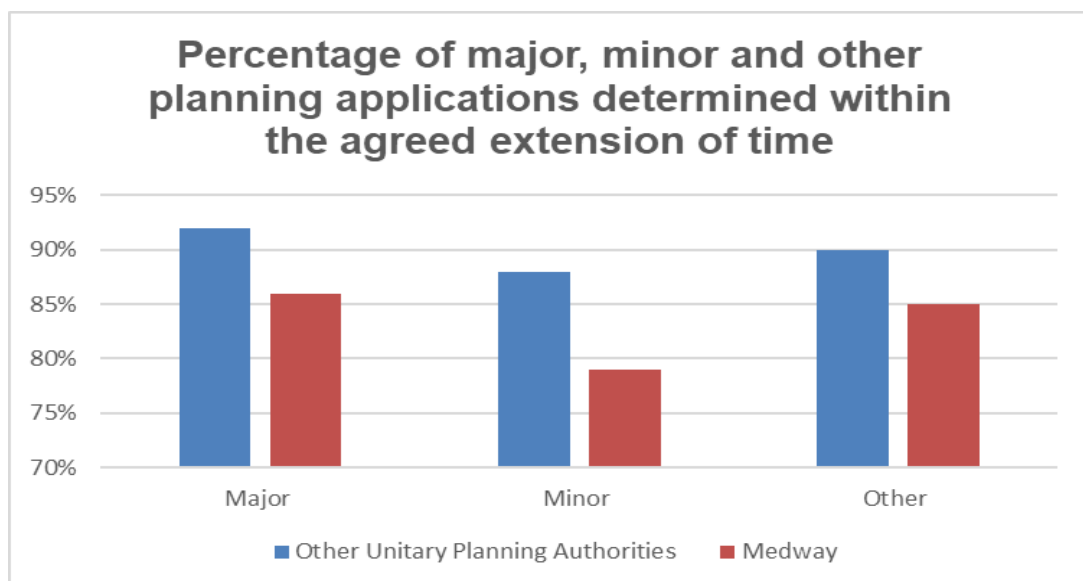
**Figure 1 – Planning applications determined within the statutory timeframe**

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 2018.



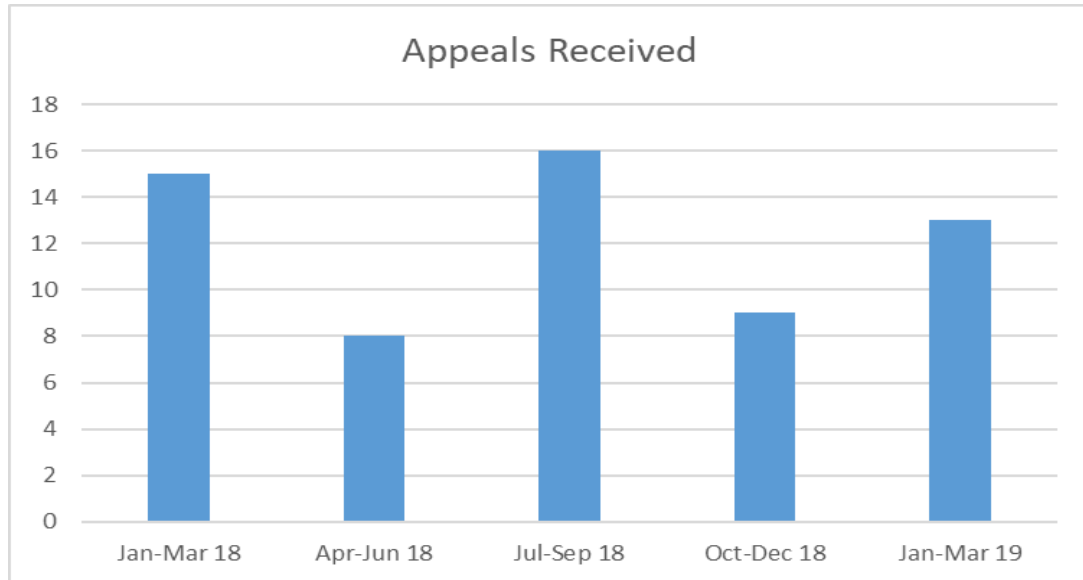
**Figure 2 - Applications with a Planning Extension Agreement**

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 October to December 2018, for applications with a Planning Extension Agreement.

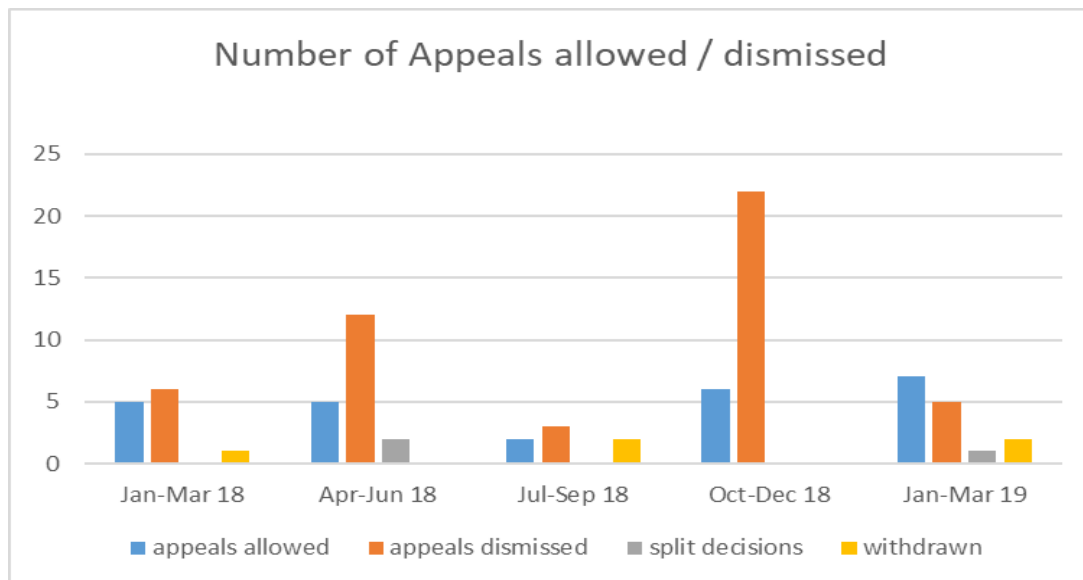


## Appendix C : Appeals

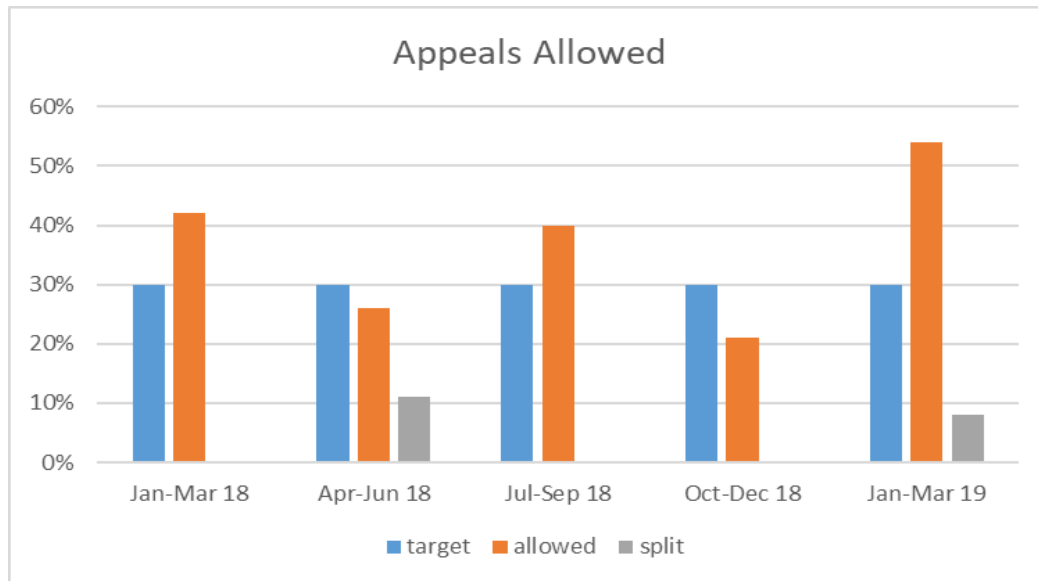
**Figure 1** *Number of appeals received from January 2018 to March 2019*



**Figure 2** *Number of Appeals allowed / dismissed January 2018 to March 2019*

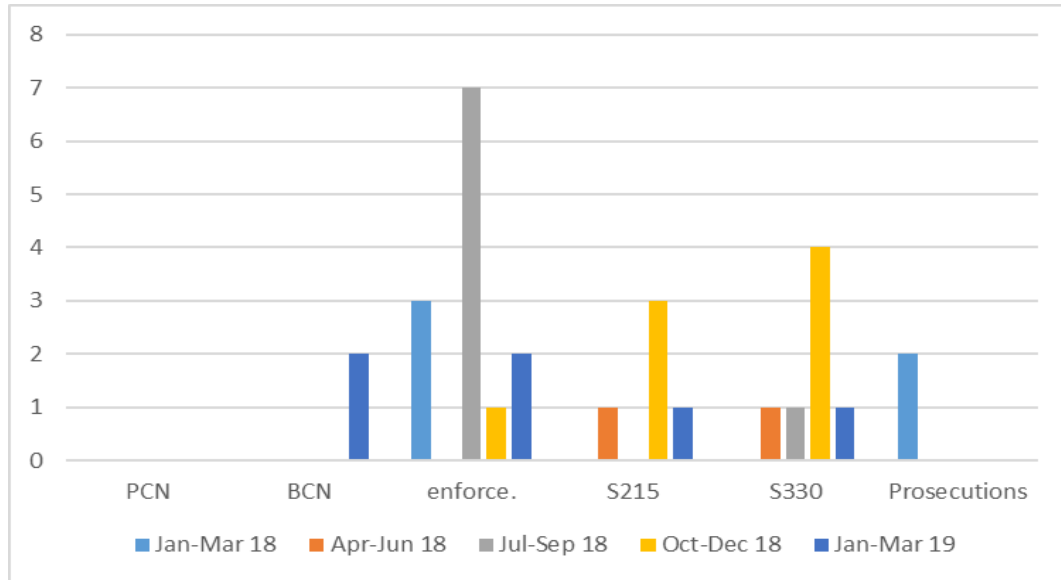


**Figure 3 : Percentage of appeals allowed against target of 30%  
January 2018 to March 2019**

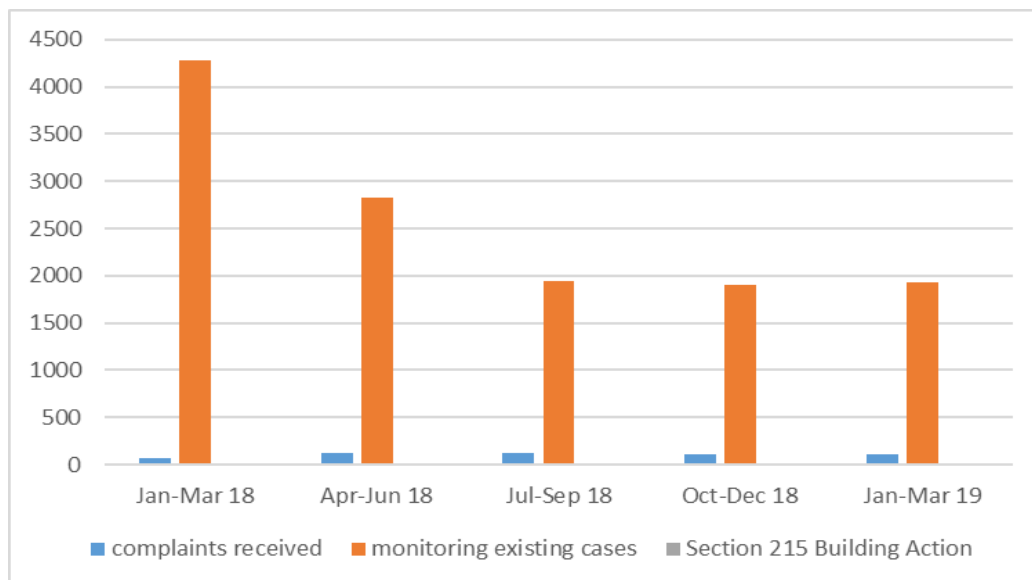


## Appendix D : Enforcement

**Figure 1** Number of enforcement notices served and prosecutions January 2019 to March 2019



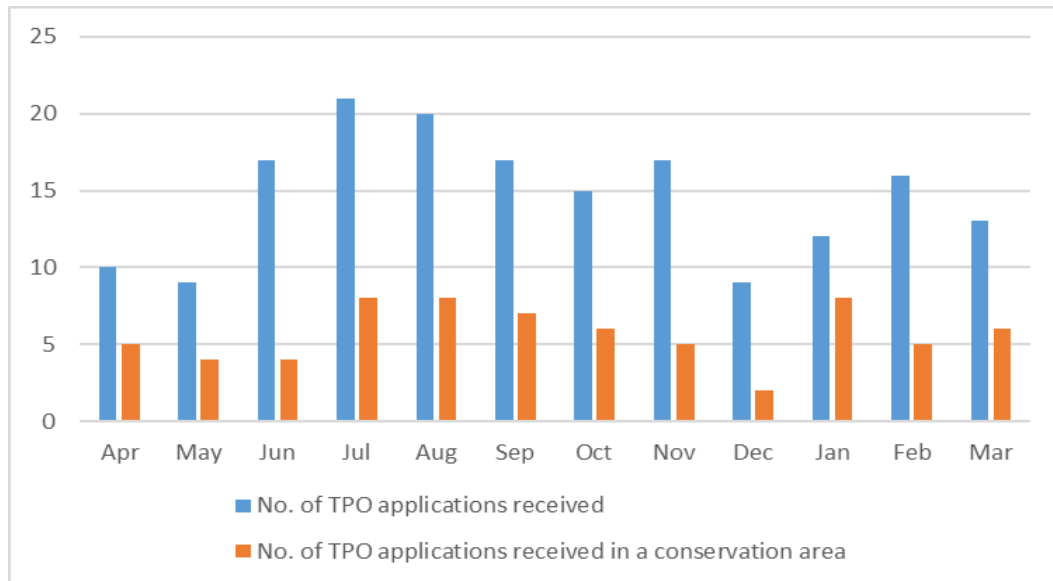
**Figure 2** Number of enforcement related complaints and activities January 2019 to March 2019



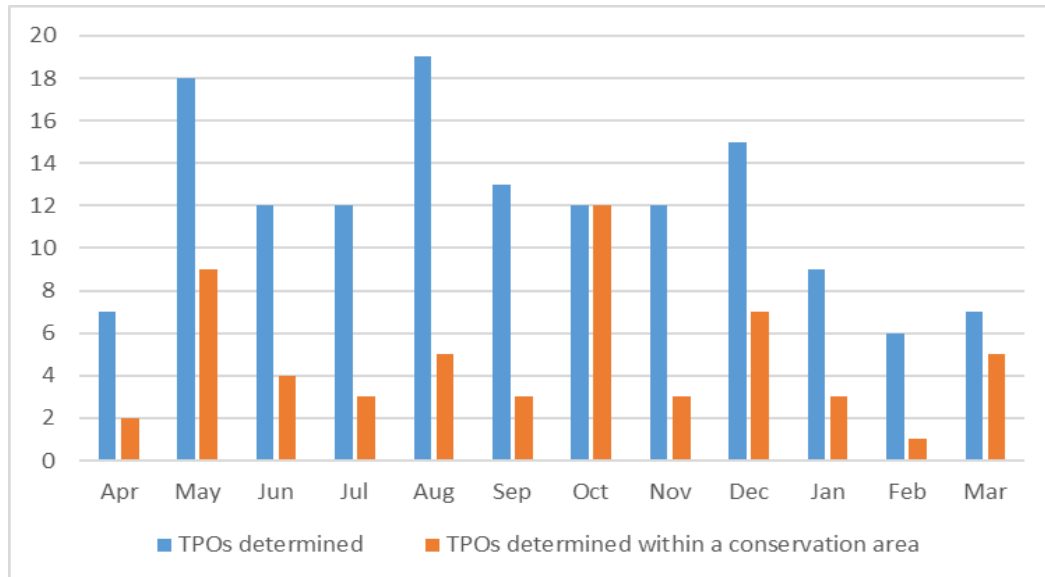
Due to data cleansing which took place during the migration of information from Acolaid to Uniform there has been a significant fall in the number of existing cases on the system.

## Appendix E : Tree Preservation Order Applications

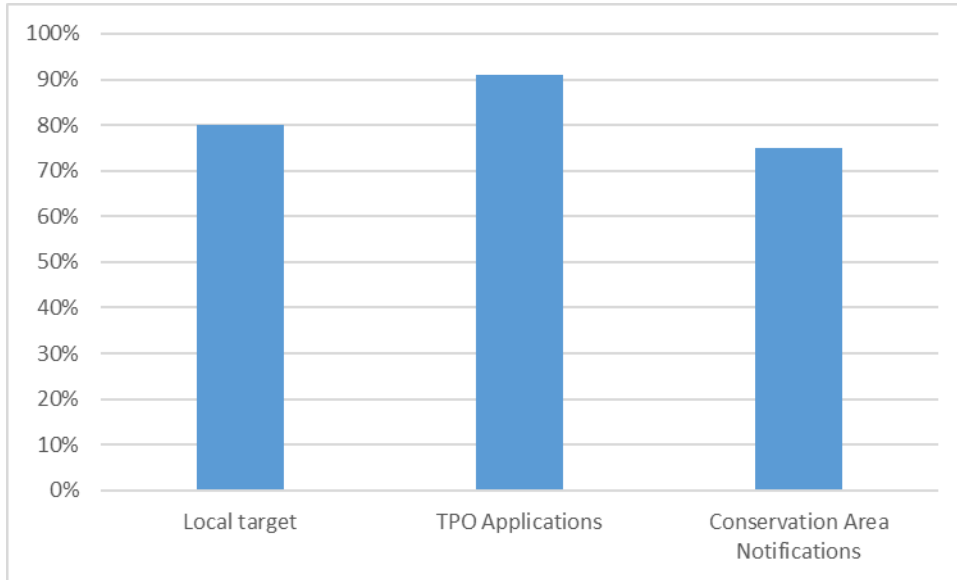
**Figure 1 : TPO applications received from April 2018 to March 2019**



**Figure 2 : TPO applications determined from April 2018 to March 2019**



**Figure 3 : TPO and Conservation Area Notification applications determined within target time from January 2019 to March 2019**



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

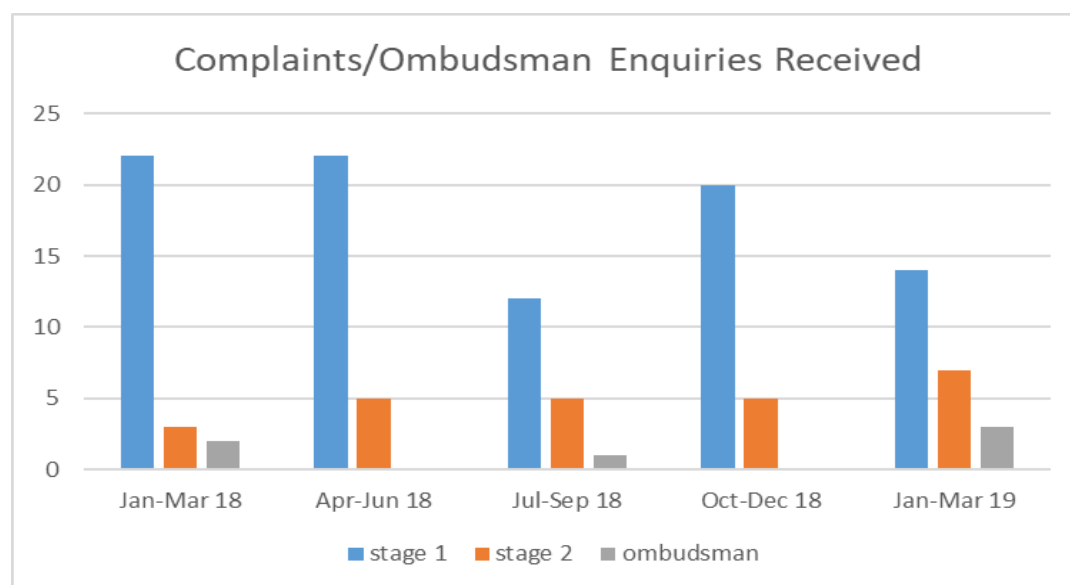
Complaints are received by phone, email, e-form, letter, fax or face-to-face at reception. All complaints are logged with a target deadline date of 10 working days. The chart below shows number of complaints responded to.

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 15 complaints were categorised as unhappy with the decision, 3 were due to poor timeliness, 1 did not meet expectations, 1 was poor service quality, 1 related to lack of response.



During the quarter 21 complaints were answered, with 95% being answered within the target time of 10 working days, 7 of which had been escalated to Stage 2. 19 complaints were dismissed where no fault was found, 1 was partially upheld and 1 was upheld.

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

One investigation was carried out by the Ombudsman during the quarter and no fault was found. The Ombudsman refused to investigate two complaints as it was unlikely that the Council would be found at fault.

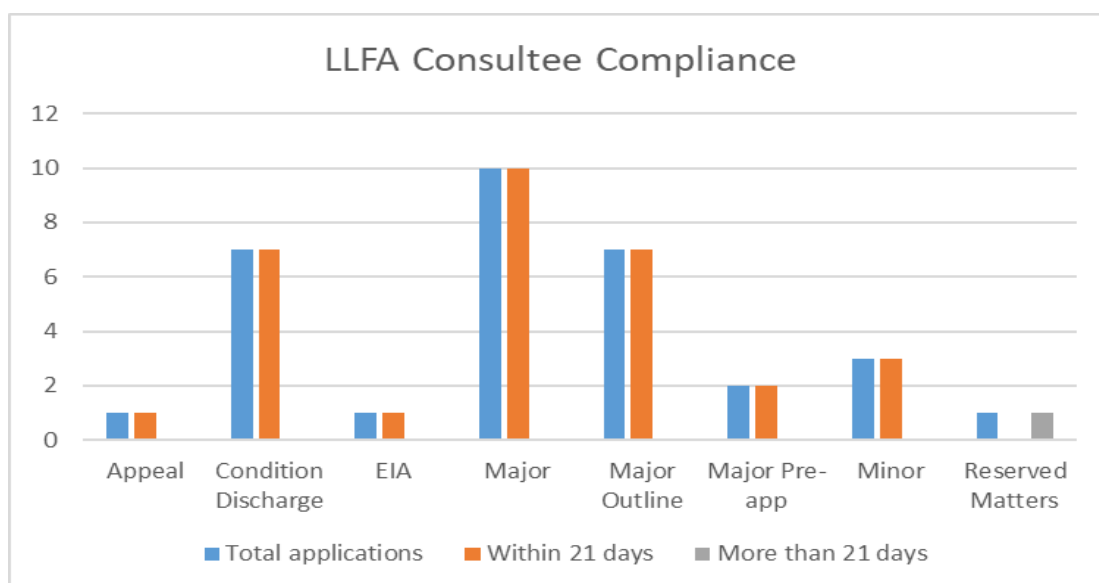
The Planning Service has received a number of compliments during the quarter from both internal and external customers. Comments include:



- If all Planning departments worked as well as Medway Council's, then life would be a lot better!
- Officer has been superb in picking up the phone and helping to find the most pragmatic way forward when we have faced difficult obstacles.
- Thank you for dealing with our application in such a professional and efficient manner. Submitting applications all over Kent and Sussex, it really has been refreshing to have such a positive and pragmatic officer who is willing to find solutions rather than problems.
- We genuinely feel that Medway have it right when it comes to the planning system and are setting the bar for other authorities to aspire to.
- This case is a good example of how sensible negotiation can achieve a good outcome for all concerned.

## Appendix G : Lead Local Flood Authority Consultee Compliance

Statutory Consultee compliance results from 1 January 2019 to 31 March 2019



Overall compliance for all types of consultations received is 97%, therefore 17% above the internally set target. Percentage compliance was not attained for consultation on reserved matters.