

PLANNING COMMITTEE

21 AUGUST 2019

PERFORMANCE REPORT: 1 APRIL 2019 TO 30 JUNE 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 I for performance concerning the processing of planning applications, benchmarking, appeals, enforcement activity, applications for Prior Approvals for Permitted Development, number of units under construction, Tree Preservation Order applications, a breakdown of complaints and compliments received and Lead Local Flood Authority Consultee Compliance.

- 3.2 During the period 1 April to 30 June 2019 the authority received 393 planning applications; this is compared to 254 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 100%. Applications subject to an extension of time is also 100%. This provides a combined percentage of 100% 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 100%. Applications subject to an extension of time is 81%. This provides a combined percentage of 93% 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 89%. 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 (January to March 2019), 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 61 applications with Planning Extension Agreements were decided, this compares to 51 in the previous quarter. Comparing performance against national data for the period January to March 2019, 92% of applications were determined within the agreed extended timeframe nationally compared to 87% by Medway.
- 3.4 4 Planning Performance Agreements (PPA's) were entered into during the quarter. These related to:
- Land North of Moor Street, Rainham
 - Stoke Road

- Elm Avenue, Chattenden
- Land at Thamesport

- 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 March 2018, the number of decisions overturned at appeal for major applications is 3.3% and 1.0% for non-major applications.
- 3.6 Government are now producing stats for applications for prior approvals for permitted developments by local planning authorities (See Appendix D).
- 3.7 The percentage of appeals allowed during the quarter is 41.66%. Appeals allowed comprise 2 delegated decisions and 1 Committee decisions. There were 2 decisions in relation to enforcement appeals (See Appendix C).
- 3.8 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 G.
- 3.9 The service successfully undertook an external assessment under ISO 9001:2015 in June 2019. The Executive Summary concluded that in line with the stated strategic direction and intended results of the quality management system, particularly with regard to the growth in the service and the provision of robust quality assured processes, the management system has demonstrated that it has been designed to support the strategic direction and deliver the intended results. This was evidenced via the project management, management commitment and customer focus systems viewed throughout the assessment. The next external assessment will take place in December 2019.
- 3.10 An internal audit of the Planning Service has been undertaken by the Council's Audit and Counter Fraud team. The draft report indicated that the overall audit opinion is Green. The final report will be available next quarter.

4. Advice and analysis

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

5. Consultation

- 5.1 Work on the publication of the draft local plan is aligned to the timing of the outcome of the Housing Infrastructure Fund decision. Work progressing on Strategic Transport Assessment, Habitats Regulation Assessment, and Sustainability Appraisal, Infrastructure Delivery Plan

and Green and Blue Infrastructure Strategy. Town Centre car parking study commissioned for Strood, Rochester, Chatham and Gillingham. Work has identified preferred development sites for allocation in draft plan.

Planning Service participated in steering groups and input to Local Development Order and consultation work in relation to Innovation Park Medway.

Planning Service participated in steering groups to support evaluation of business case for submission of HIF bid, with focus on engagement with transport sector, and alignment to Local Plan. Planning Service providing technical input to evidence content of HIF programme. Production of Hoo Development Framework to provide planning guidance and masterplan for growth of rural town.

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 £2,240,637.96 has been received via S106 contributions and £70,580.99 has been received for Habitat Regulations Agreements. This makes a total of £2,311,218.95.

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.

Although the housing completion figures do not show an increase, the work being undertaken on sites does show an increase in the units under construction. See Appendix E.

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 I.

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 £449,572. 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

Dave Harris, Head of Planning
Telephone: 01634 331575
Email: dave.harris@medway.gov.uk

Appendices

- A) Applications
- B) Benchmarking
- C) Appeals
- D) Applications for Prior Approvals for Permitted Development
- E) Number of Units Under Construction
- F) Enforcement
- G) Tree Preservation Order Applications
- H) Complaints and Compliments
- I) 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 2016/17 to June 2019*

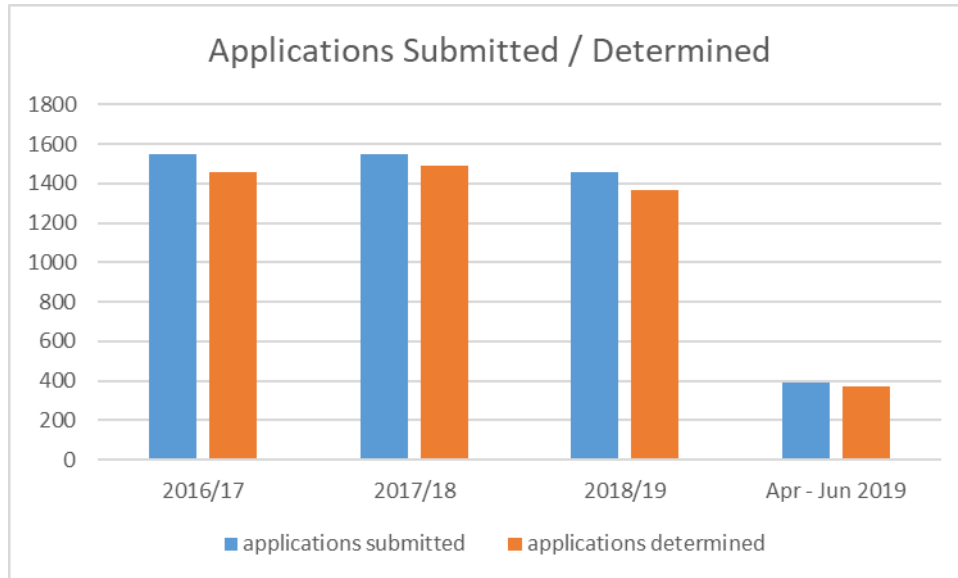


Figure 2 **Percentage of “Major” applications determined against performance target January 2018 to June 2019**

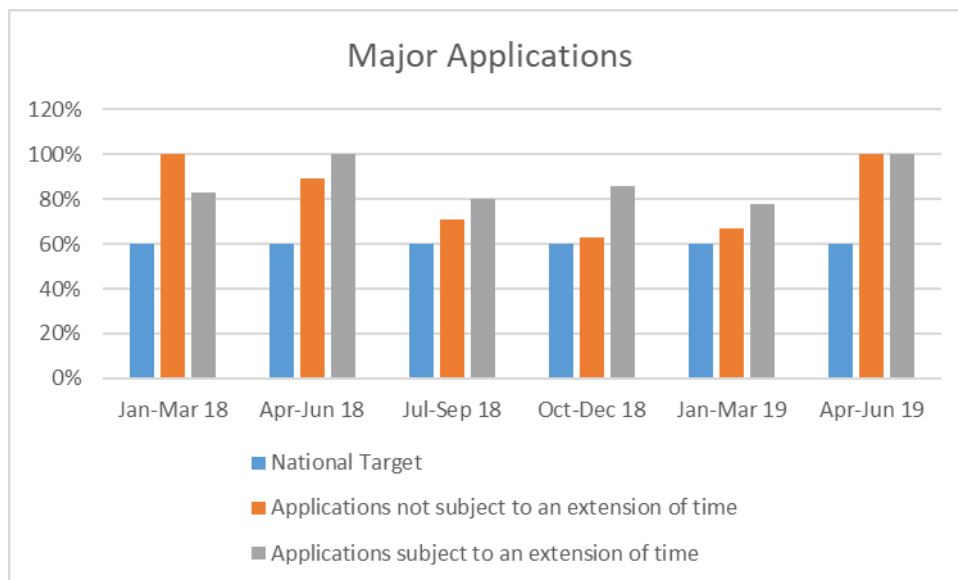


Figure 3 Percentage of “Minor” applications determined against performance target January 2018 to June 2019

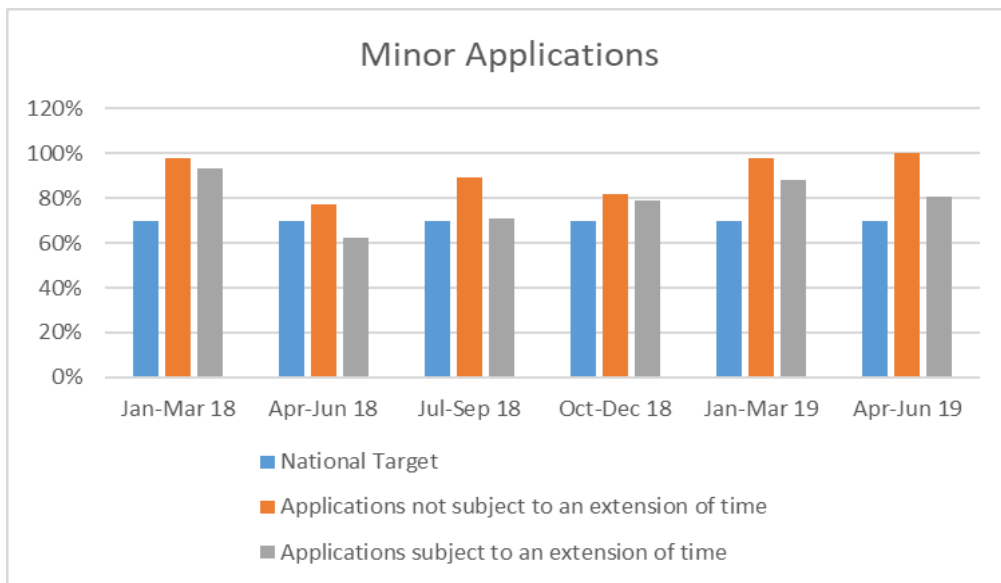


Figure 4 Percentage of “Other” applications determined against performance target January 2018 to June 2019

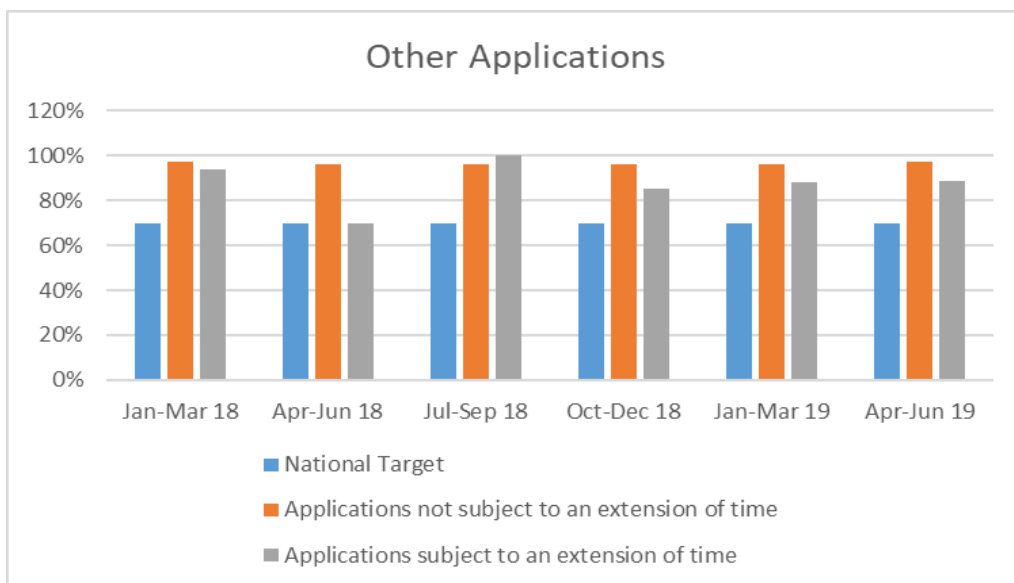
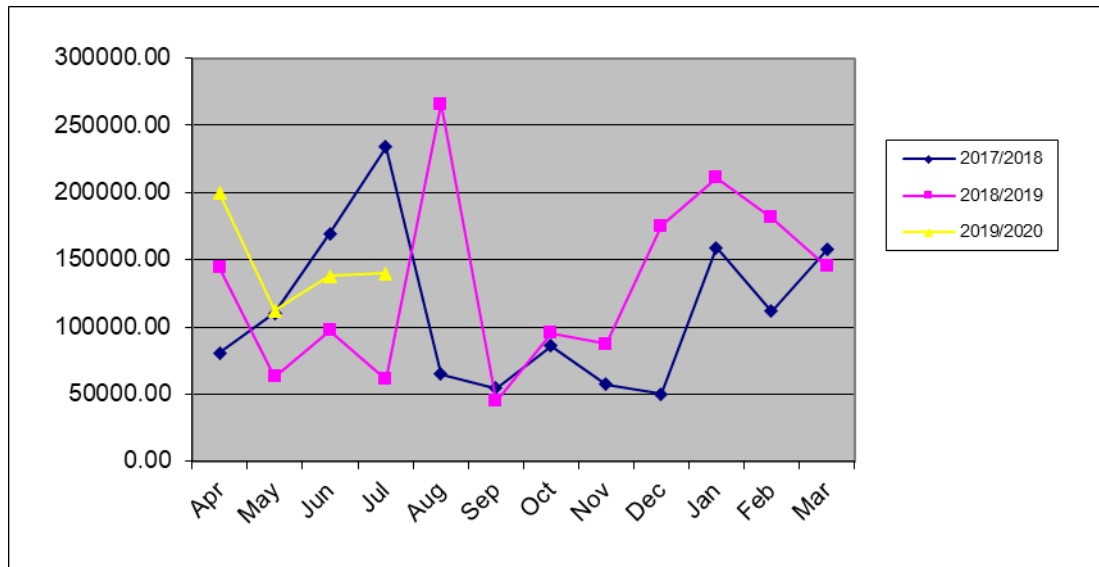


Figure 5 Planning application fees received 2017/18, 2018/19 and April to June 2019



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 2019.

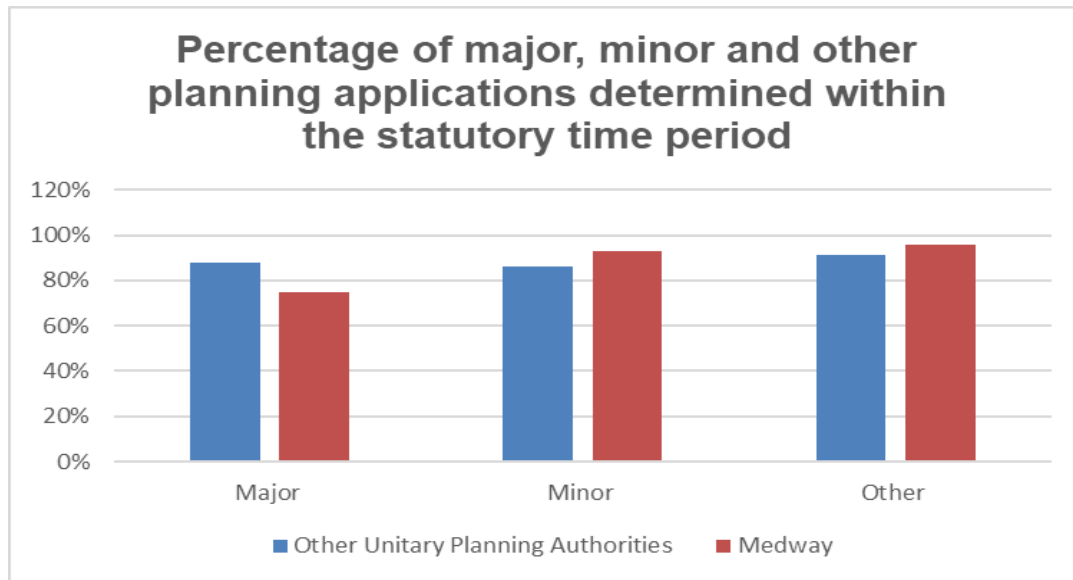
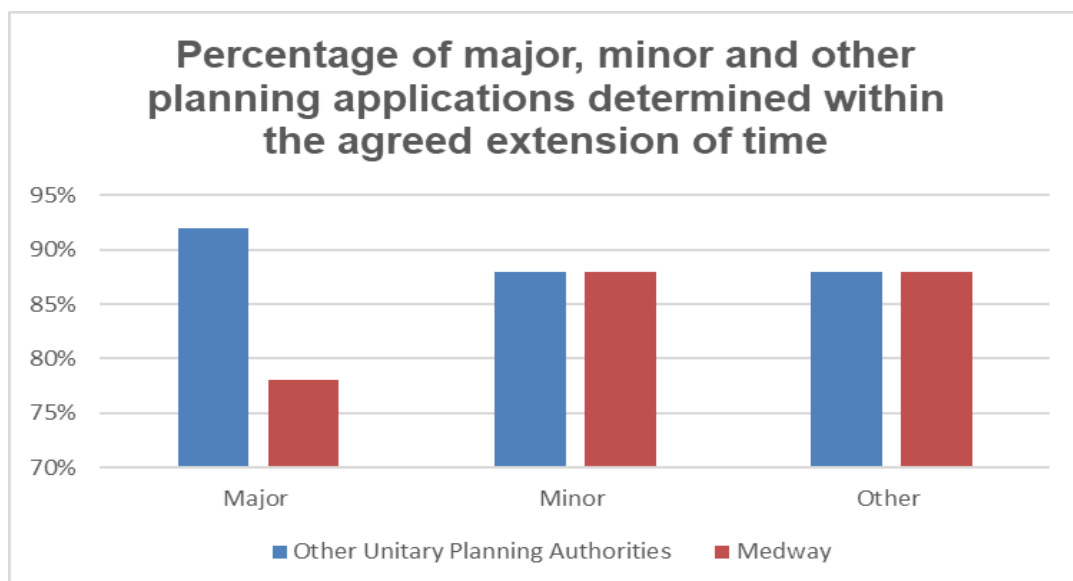


Figure 2 - Applications with a Planning Extension Agreement

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 January to March 2019, for applications with a Planning Extension Agreement.



Appendix C : Appeals

Figure 1 *Number of appeals received from April 2018 to June 2019*

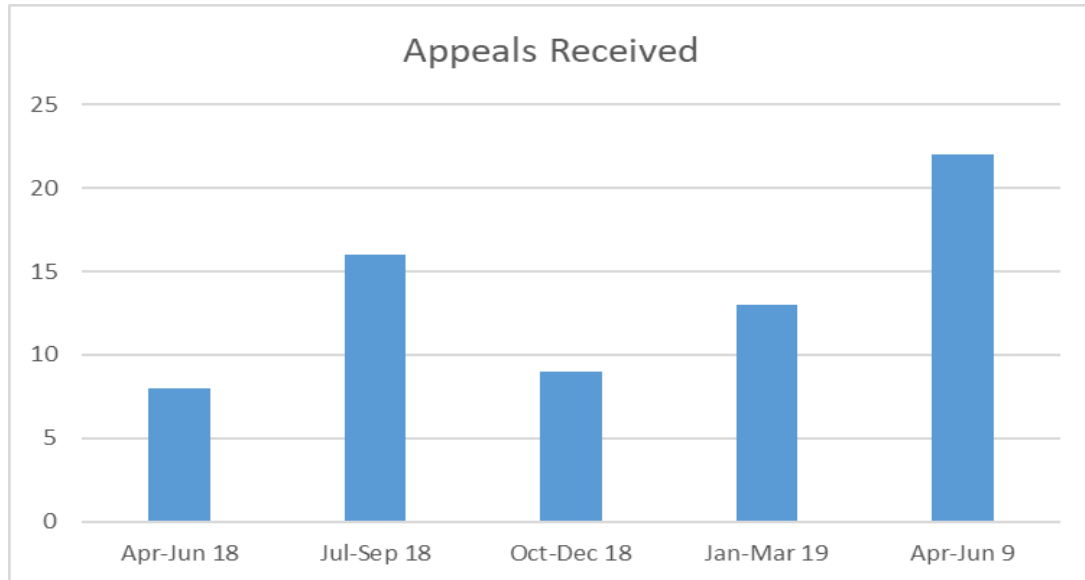
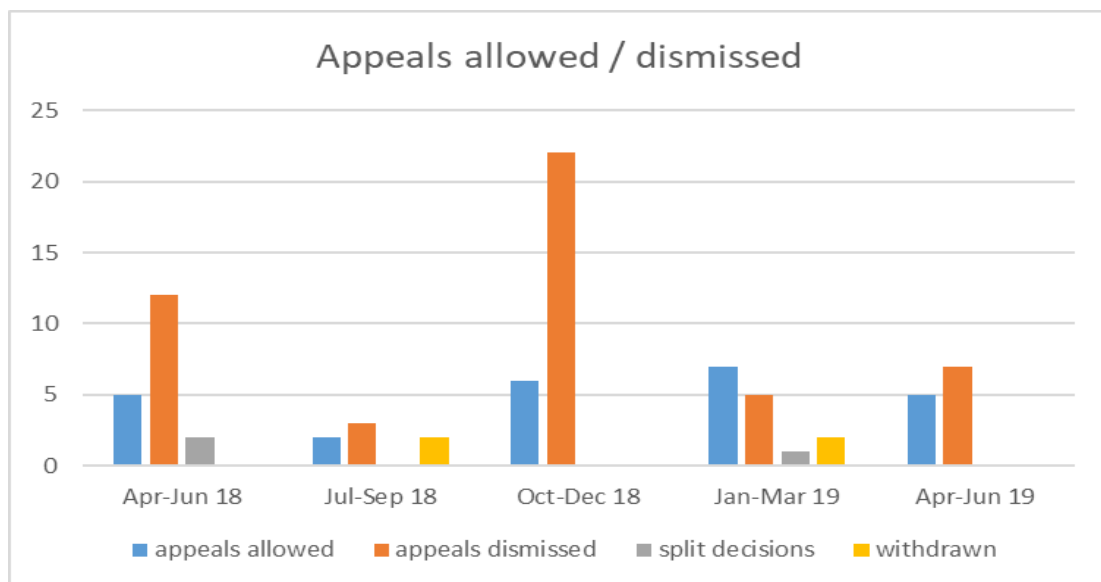
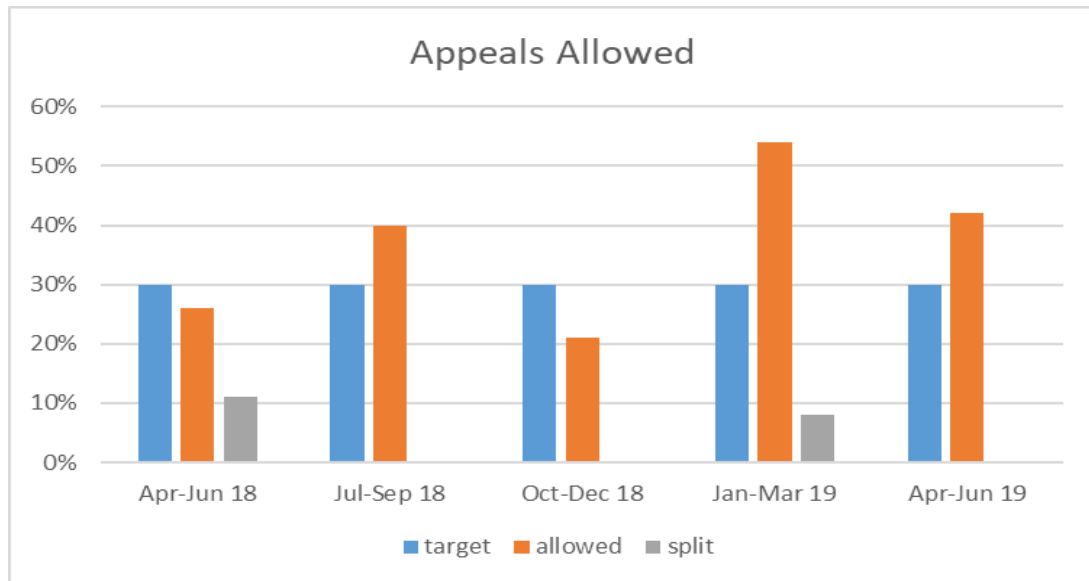


Figure 2 *Number of Appeals allowed / dismissed April 2018 to June 2019*

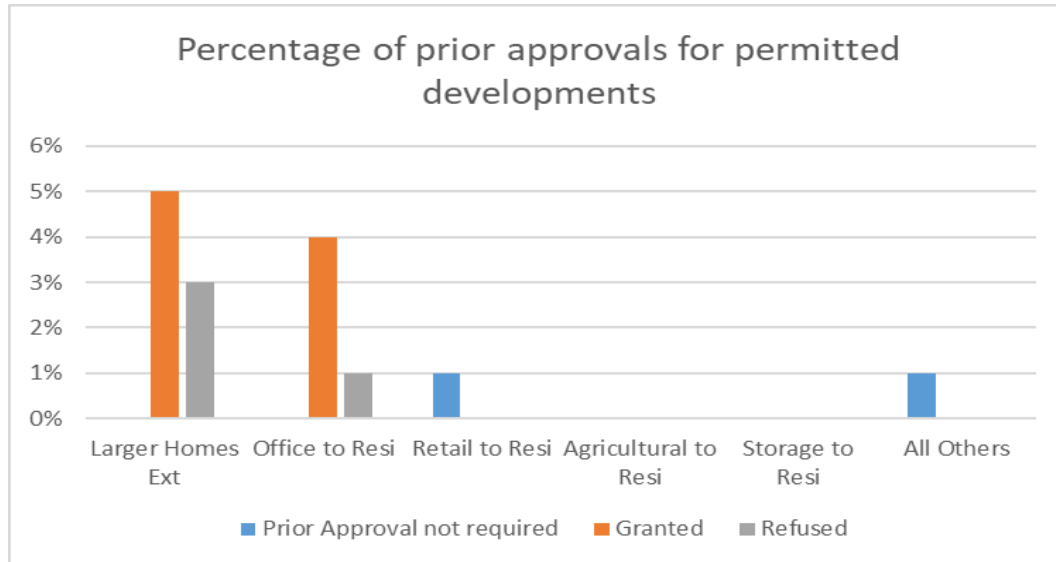


**Figure 3 : Percentage of appeals allowed against target of 30%
April 2018 to June 2019**



Appendix D : Applications for Prior Approvals for Permitted Developments

Figure 1: Percentage of prior approvals for permitted developments for the period January to March 2019



Appendix E: Number of units under construction

Year	No of units under construction as at 31 st March (net)
2015	857
2016	760
2017	805
2018	1202
2019 (draft subject to final checks)	1483

Appendix F : Enforcement

Figure 1 Number of enforcement notices served and prosecutions April 2018 to June 2019

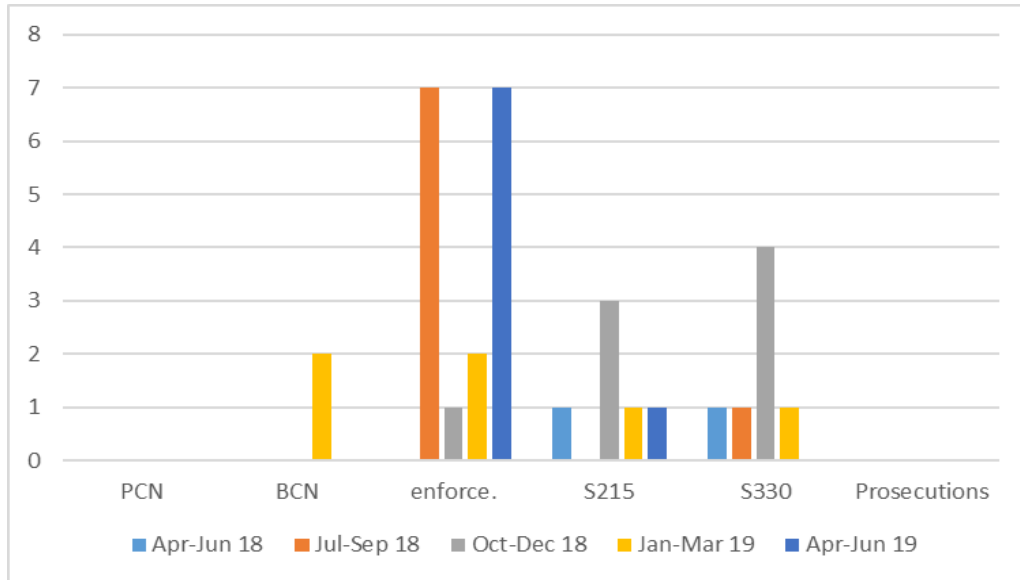
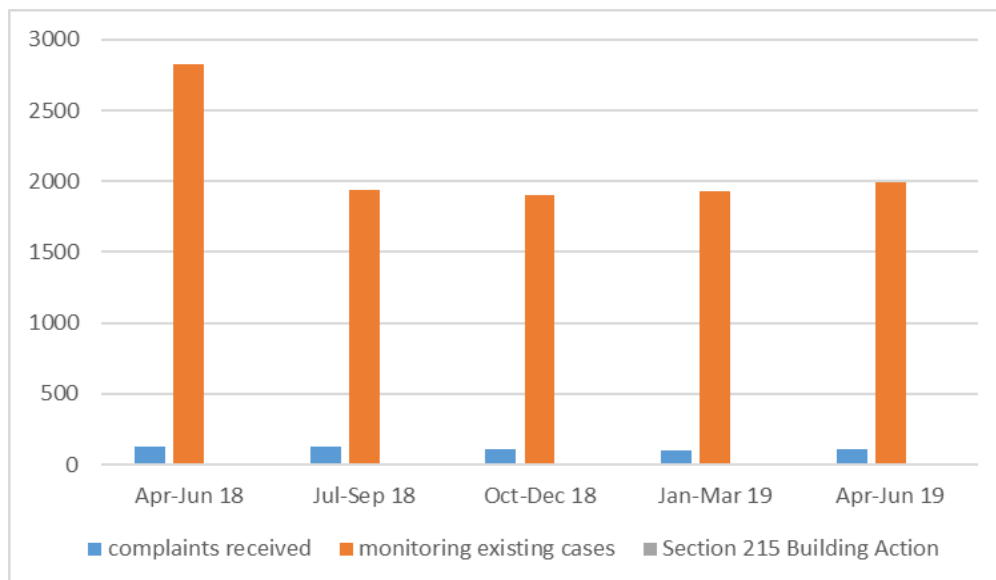


Figure 2 Number of enforcement related complaints and activities April 2018 to June 2019



Appendix G : Tree Preservation Order Applications

Figure 1 : TPO applications received from July 2018 to June 2019

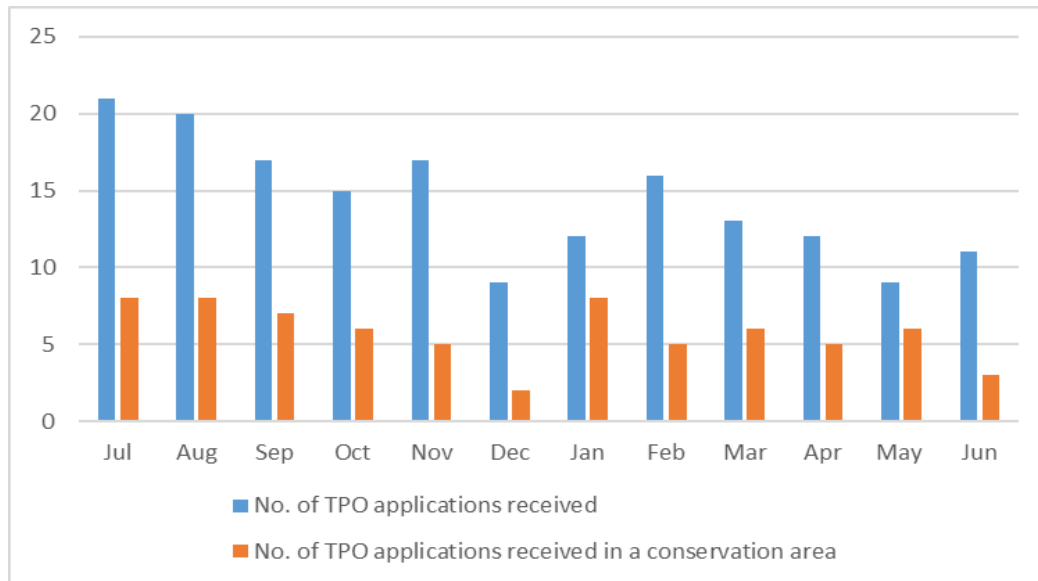


Figure 2 : TPO applications determined from July 2018 to June 2019

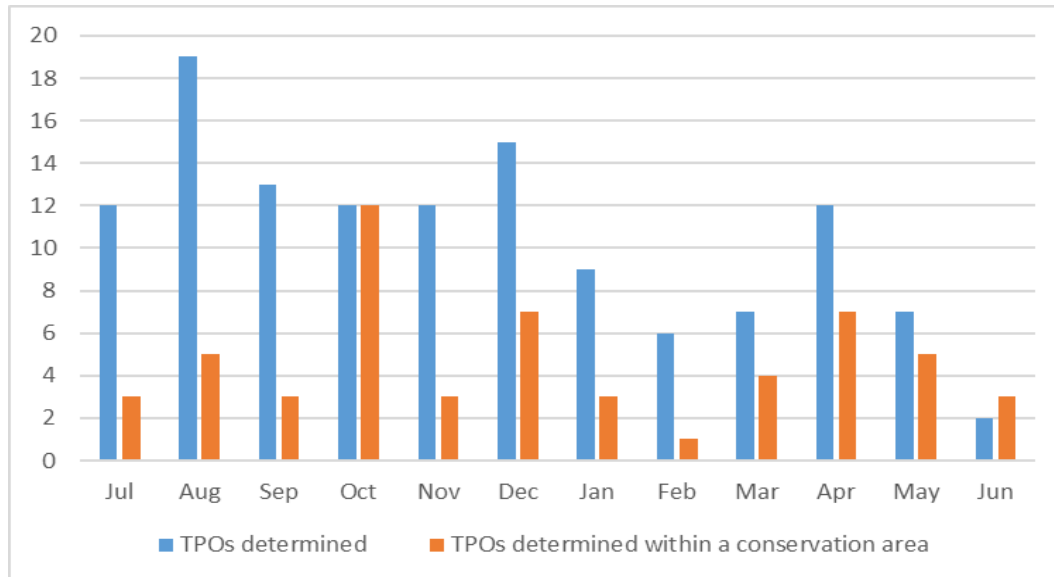
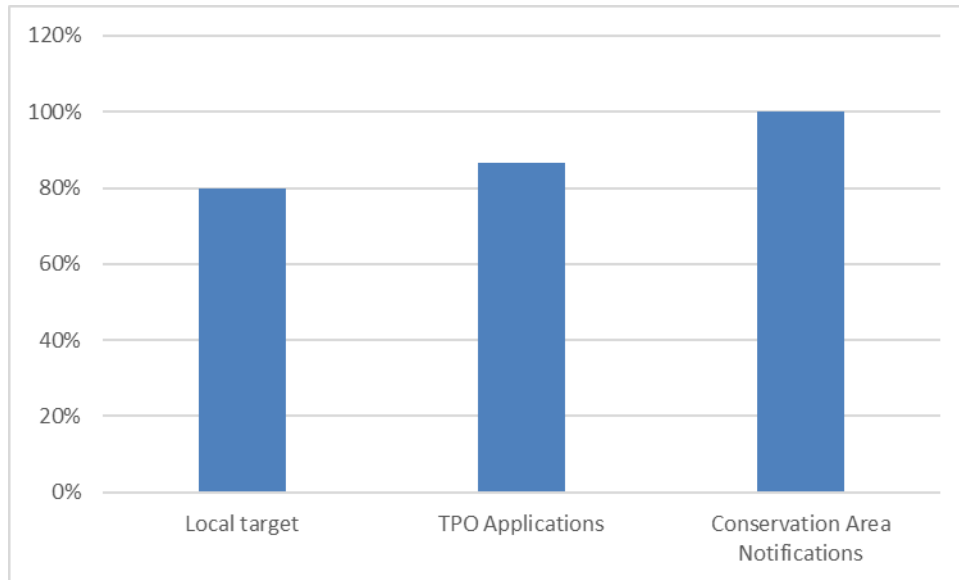


Figure 3 : TPO and Conservation Area Notification applications determined within target time from April 2019 to June 2019



Appendix H : Complaints and Compliments

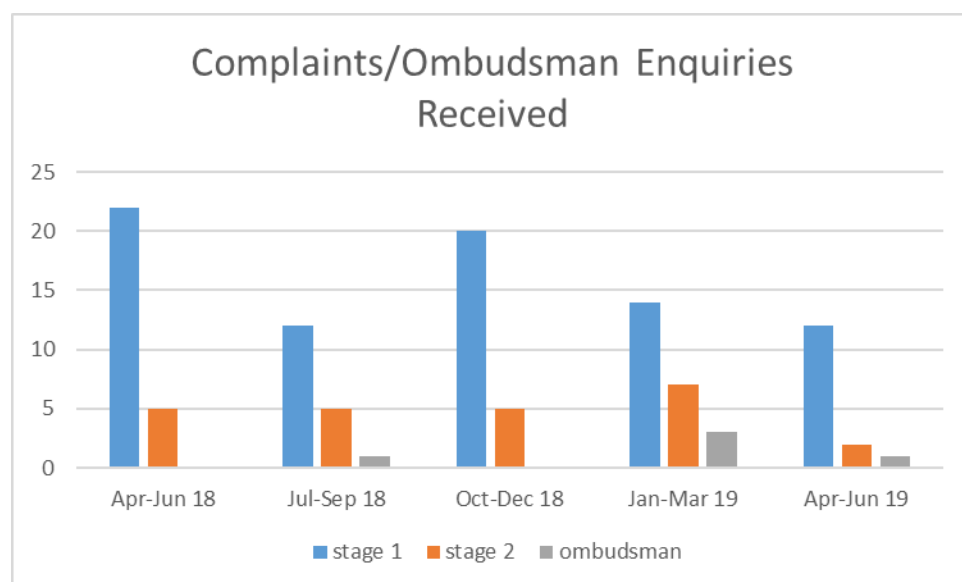
Complaints are received by phone, email, e-form, letter, fax or face-to-face at reception. All complaints are logged with a target deadline date of 10 working days. The chart below shows number of complaints responded to.

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



During the quarter 14 complaints were answered, with 79% being answered within the target time of 10 working days, 2 of which had been escalated to Stage 2. 12 complaints were dismissed where no fault was found, 1 was partially upheld and 1 was upheld.

There were one new enquiry raised by the Ombudsman during the quarter.

The Ombudsman refused to investigate one complaint during the quarter as the Complainant had the right of appeal.

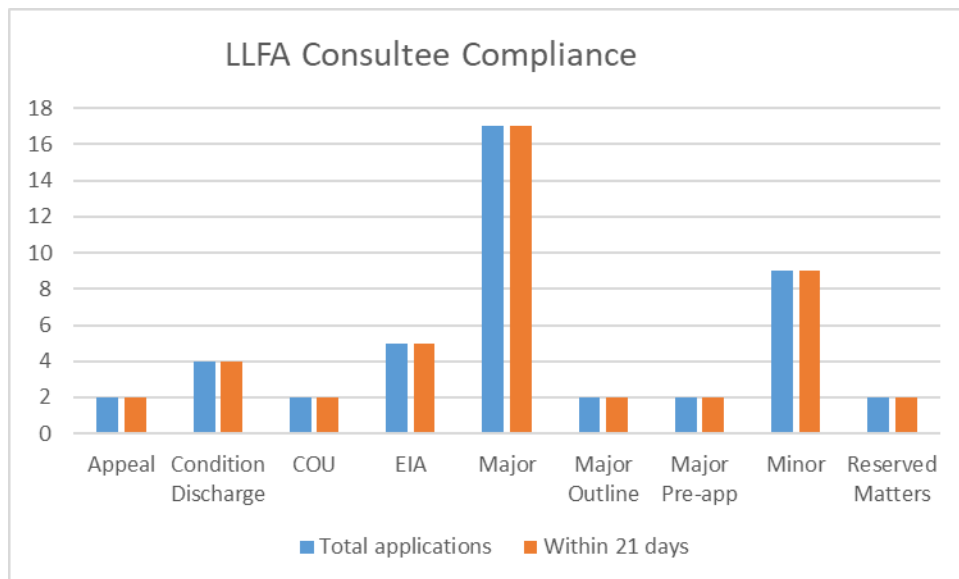
The Planning Service has received a number of compliments during the quarter from both internal and external customers. Comments include:

- We have a first class team
- Another very well managed application

- If all Planning departments worked as well as Medway Council's, then life would be a lot better!
- You guys are amazing
- Planning service is widely recognised amongst the best there are and have been described as 'lightning fast', with particular reference to the development at Rochester Riverside

Appendix I : Lead Local Flood Authority Consultee Compliance

Statutory Consultee compliance results from 1 April 2019 to 30 June 2019



Overall compliance for all types of consultations received is 100%, The internally set target is 80%.