

## **PLANNING COMMITTEE**

**13 NOVEMBER 2019**

### **PERFORMANCE REPORT: 1 JULY 2019 TO 30 SEPTEMBER 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 July to 30 September 2019 the authority received 364 planning applications; this is compared to 363 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 86%. Applications subject to an extension of time is 100%. This provides a combined percentage of 93% 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 91%. Applications subject to an extension of time is 82%. This provides a combined percentage of 87% 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 95%. 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 2019), Medway performed above the national average for major and other 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 67 applications with Planning Extension Agreements were decided, this compares to 61 in the previous quarter. Comparing performance against national data for the period April to June 2019, 90% of applications were determined within the agreed extended timeframe nationally compared to 92% by Medway.
- 3.4 4 Planning Performance Agreements (PPA's) were entered into during the quarter. These related to:
- Land off Pump Lane, Rainham

- St Bartholomew's Hospital site, Rochester
  - Allhallows Leisure Holiday Park
  - The Maltings, Meirscourt Road, Rainham
- 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 32%. Appeals allowed comprise 4 delegated decisions and 2 Committee decisions. There were no decisions in relation to enforcement appeals (See Appendix C).
- 3.8 The validation of tree preservation orders applications is undertaken 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 final report stated that the overall audit opinion is Green.

#### **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 is progressing on Strategic Transport Assessment, Habitats Regulation Assessment, and Sustainability Appraisal, Infrastructure Delivery Plan,

Viability Assessment and Green and Blue Infrastructure Strategy. In addition a Town Centre car parking study has been commissioned for Strood, Rochester, Chatham and Gillingham. Some consultation with stakeholders has taken place on the production of the draft Hoo Development Framework to provide planning guidance and masterplan for growth of rural town and it is intended that wider consultation will take place in the new year.

Supporting preparation of Neighbourhood Plans in Cliffe and Cliffe Woods, High Halstow and Hoo St Werburgh and a Neighbourhood Planning Forum in Luton Arches (Chatham).

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 £1,811,224.87 has been received via S106 contributions and £41,695.89 has been received for Habitat Regulations Agreements. This makes a total of £1,852,920.76.

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 Recognising the important role that SME's can play in helping Medway meet its housing needs, a forum is being organised with SME's and key members of the planning service in November. This should help to build stronger partnership working and support SME's to complement the delivery of homes from the volume house builders.

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 has enabled 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 £305,911. 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 Changing legislative context, and signals of further reforms and flexibilities, may impact on ability to manage development and place additional demands on Planning Service resources. All changes and their implications are reviewed by the service with appropriate action taken.
- 7.6 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**

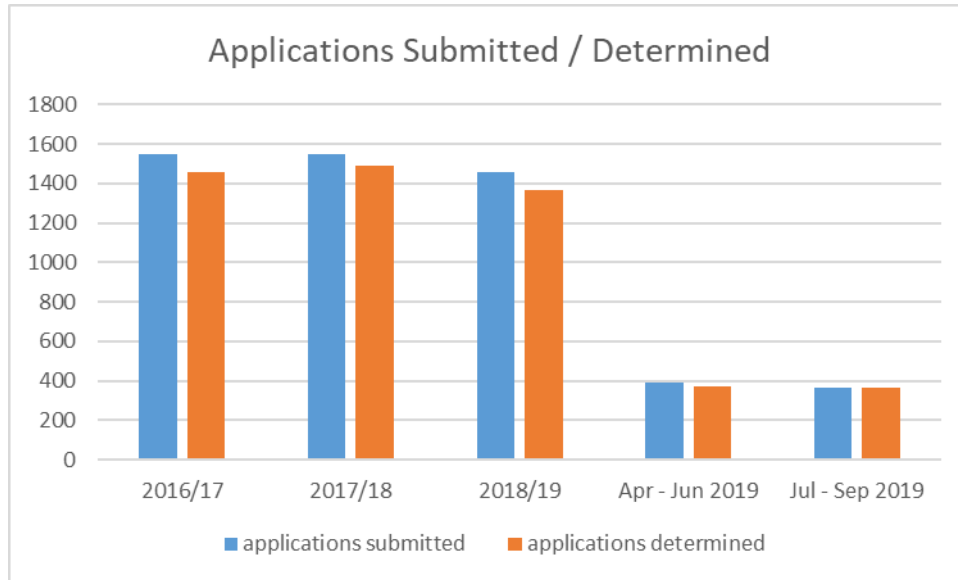
- A) Applications
- B) Benchmarking
- C) Appeals
- D) Applications for Prior Approvals for Permitted Development
- E) Number of Units Under Construction
- F) Enforcement
- G) Tree Preservation Order Applications
- H) Complaints and Compliments
- I) Lead Local Flood Authority Consultation Compliance

### **Background papers**

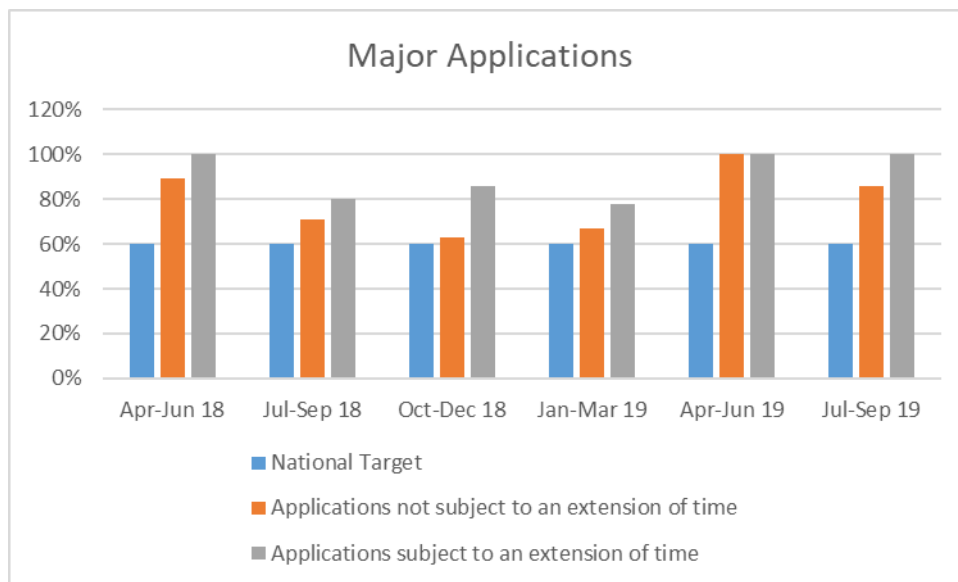
General Development Control Return PS1  
General Development Control Return PS2  
HCLG Live tables on planning applications statistics

## Appendix A : Applications

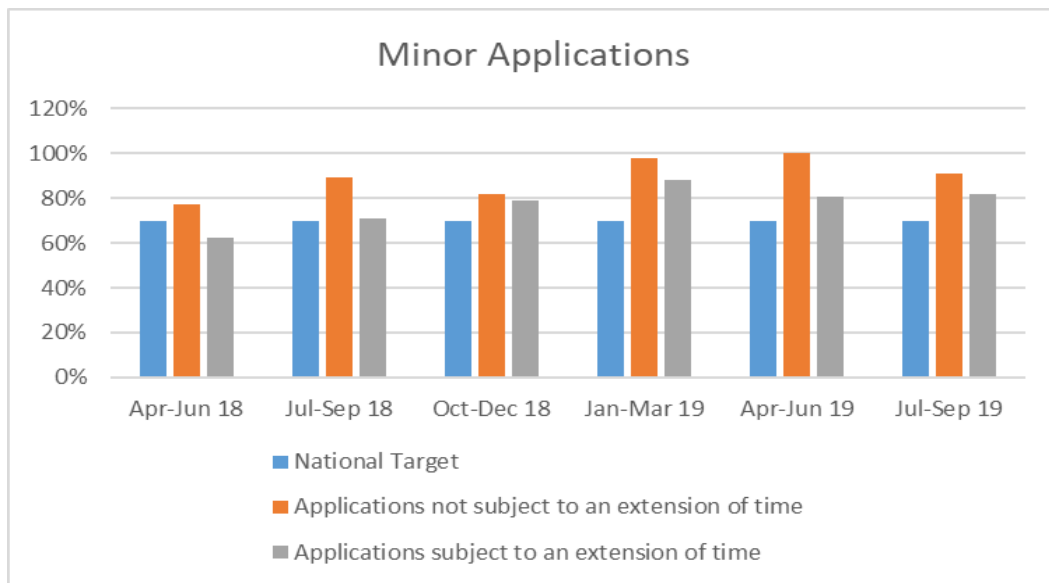
**Figure 1** *Number of applications received and determined 2016/17 to September 2019*



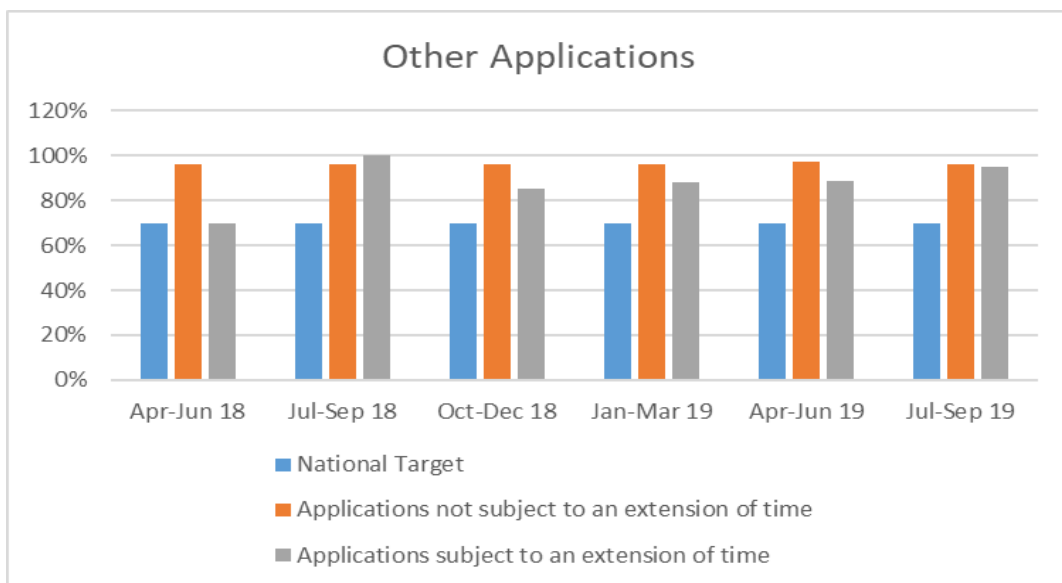
**Figure 2** *Percentage of "Major" applications determined against performance target April 2018 to September 2019*



**Figure 3 Percentage of “Minor” applications determined against performance target April 2018 to September 2019**

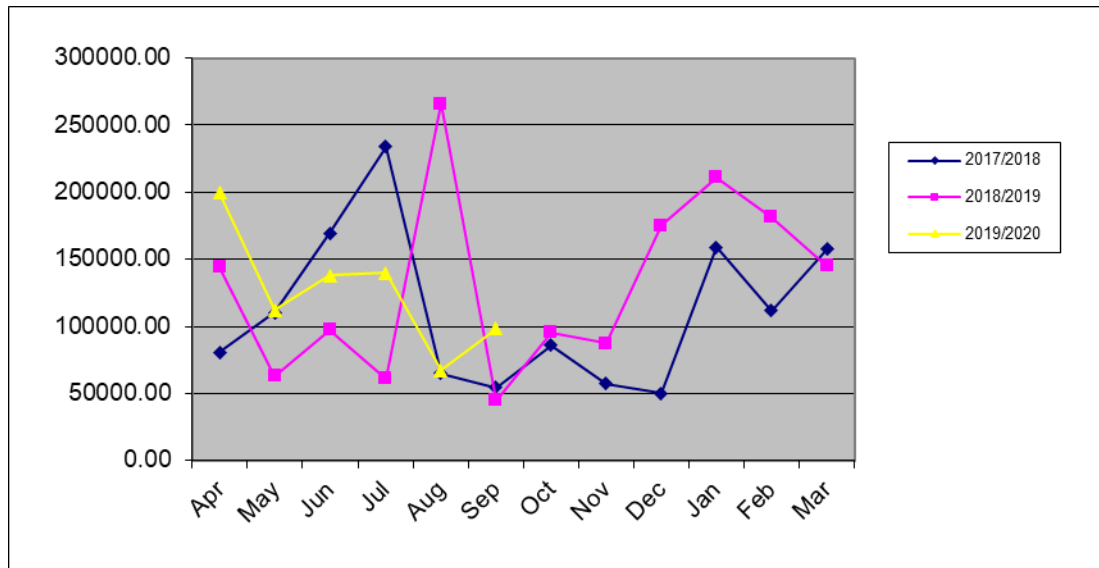


**Figure 4 Percentage of “Other” applications determined against performance target April 2018 to September 2019**





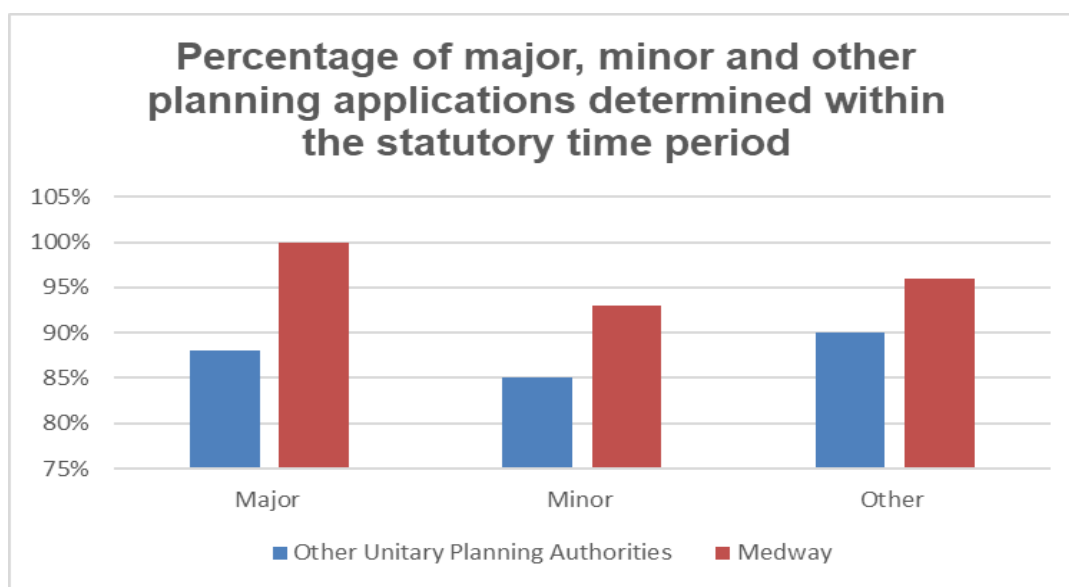
**Figure 5** Planning application fees received 2017/18, 2018/19 and April to September 2019



## Appendix B : Benchmarking

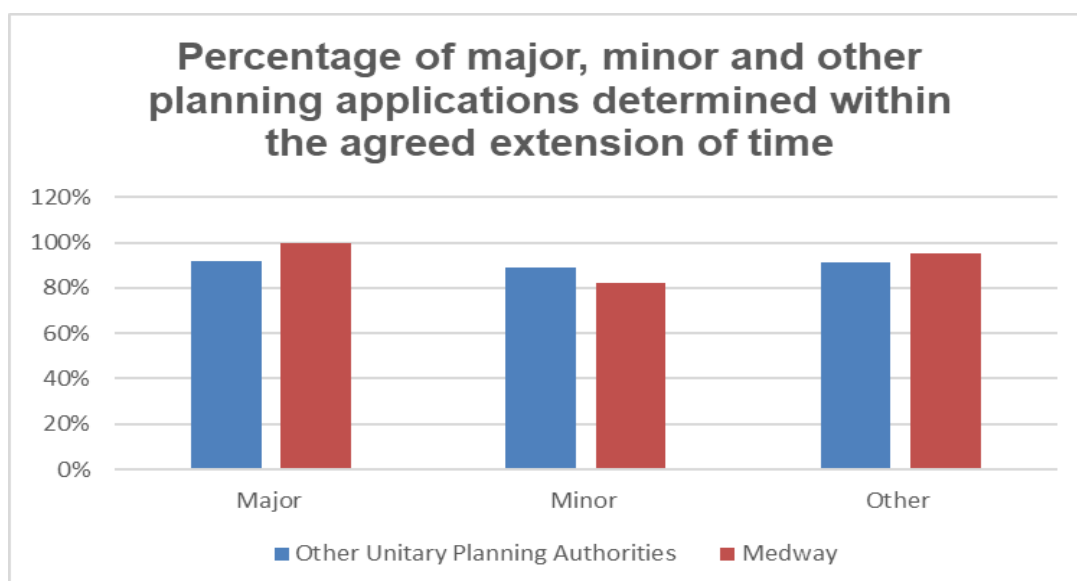
**Figure 1 – Planning applications determined within the statutory timeframe**

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 April to June 2019.



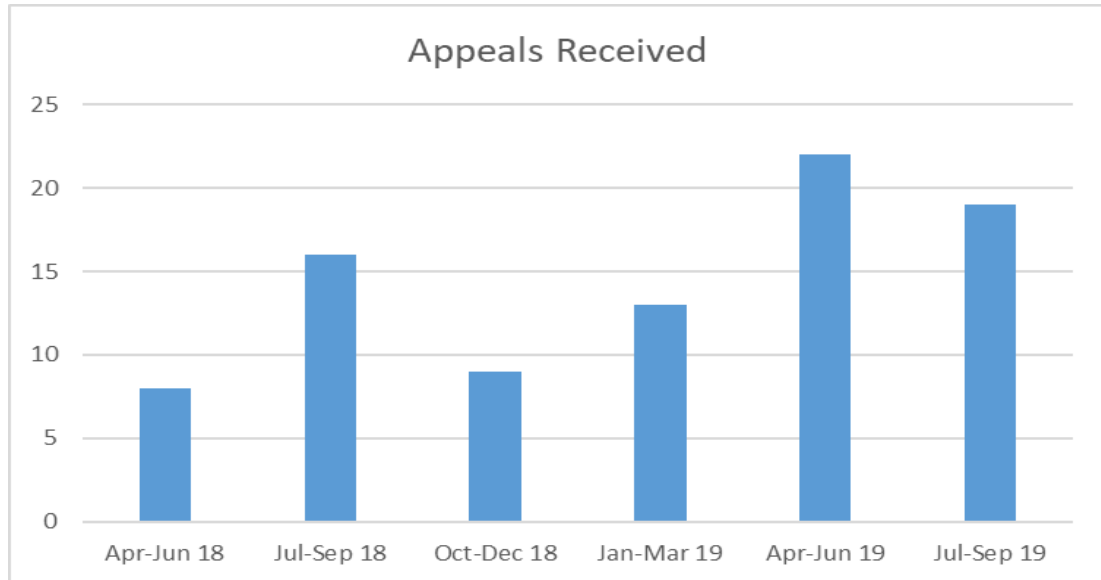
**Figure 2 - Applications with a Planning Extension Agreement**

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 April to June 2019, for applications with a Planning Extension Agreement.

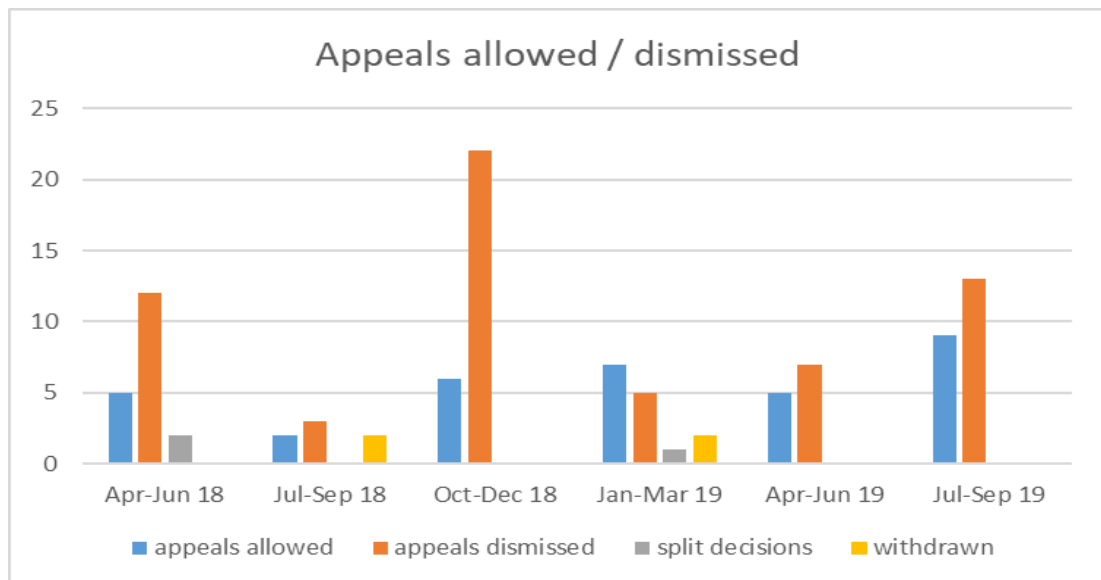


## Appendix C : Appeals

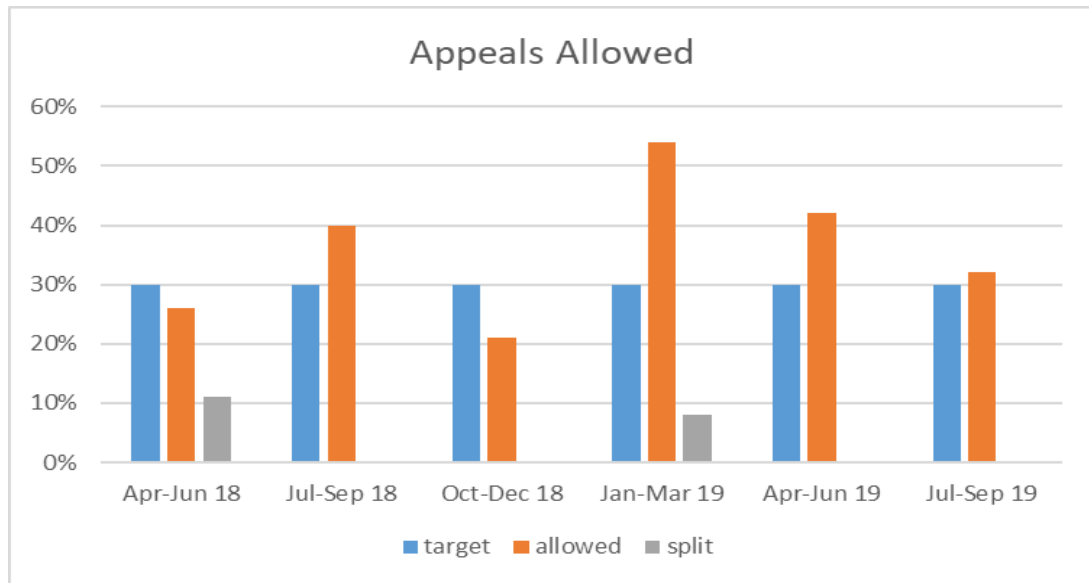
**Figure 1** *Number of appeals received from July 2018 to September 2019*



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

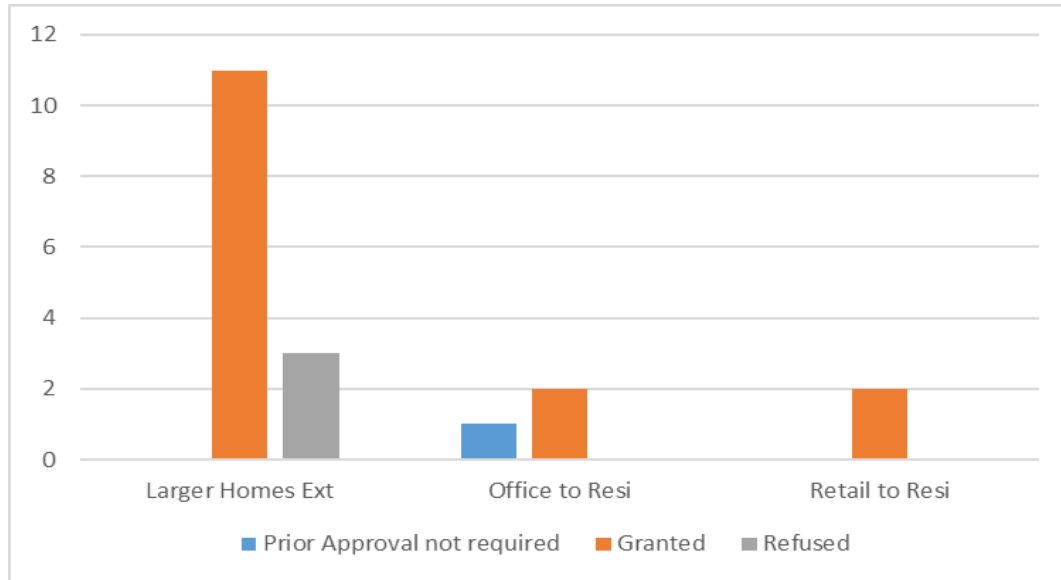


**Figure 3 : Percentage of appeals allowed against target of 30%  
April 2018 to September 2019**



**Appendix D : Applications for Prior Approvals for Permitted Developments**

**Figure 1: Number of prior approvals for permitted developments for the period July to September 2019**

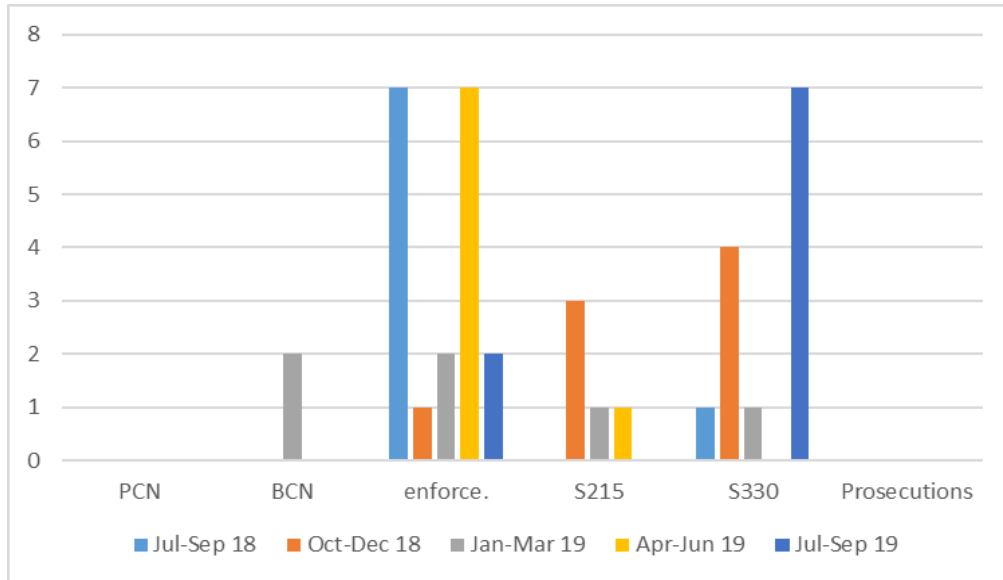


## **Appendix E: Number of units under construction**

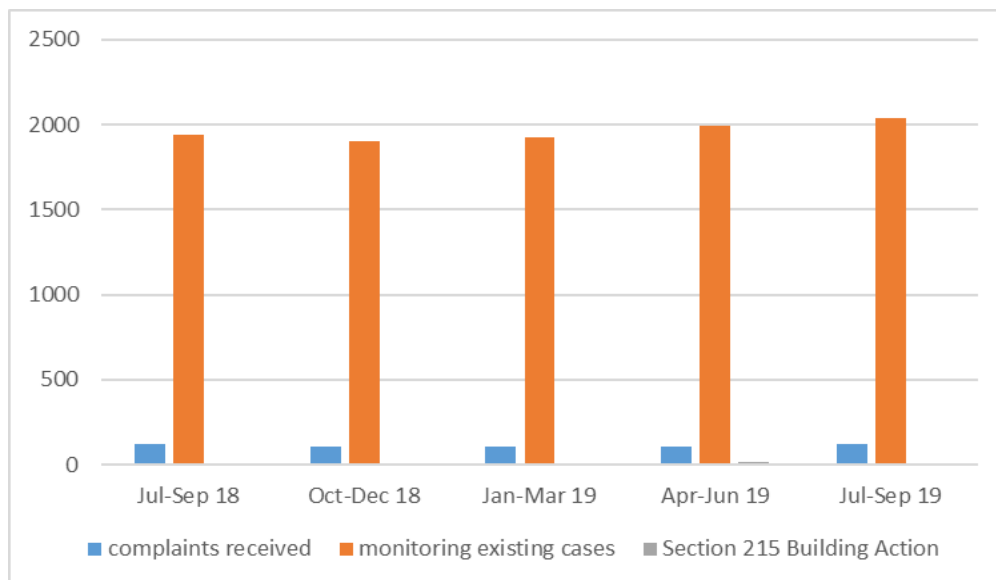
Year	No of units under construction as at 31 <sup>st</sup> March (net)
2015	857
2016	760
2017	805
2018	1202
2019 (draft subject to final checks)	1483

**Appendix F : Enforcement**

**Figure 1 Number of enforcement notices served and prosecutions July 2018 to September 2019**

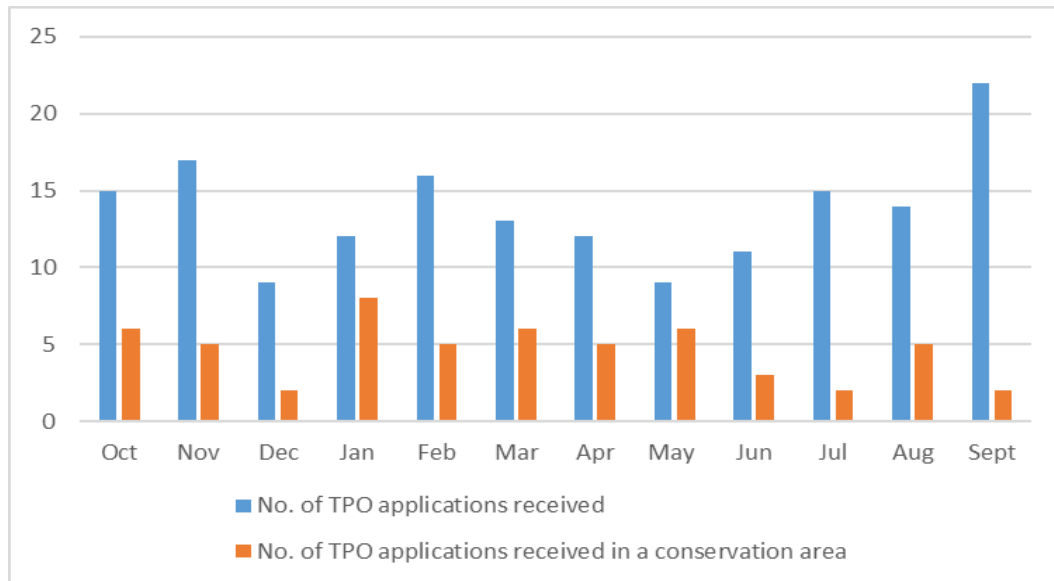


**Figure 2 Number of enforcement related complaints and activities July 2018 to September 2019**

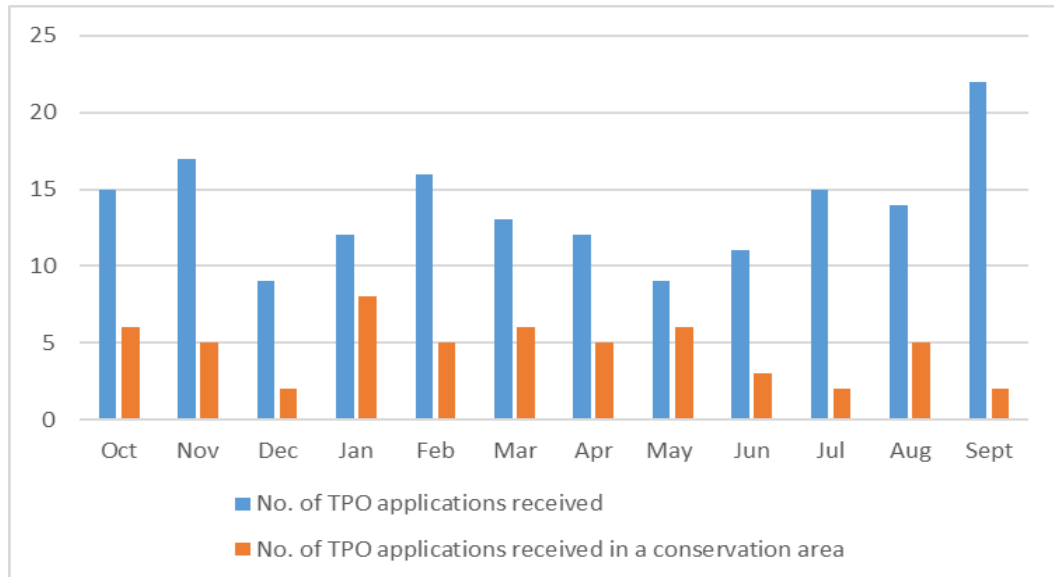


## Appendix G : Tree Preservation Order Applications

**Figure 1 : TPO applications received from October 2018 to September 2019**

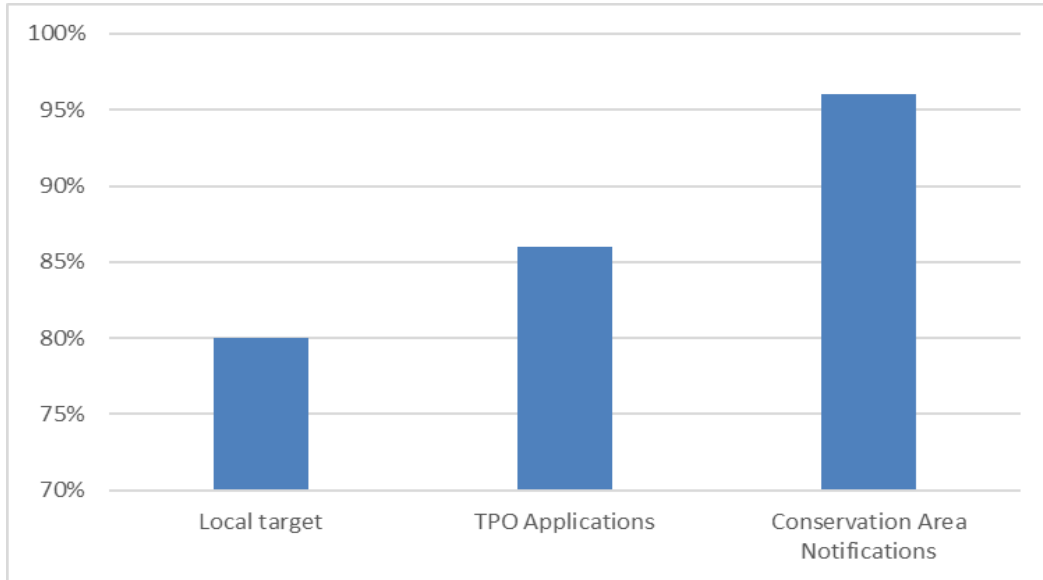


**Figure 2 : TPO applications determined from October 2018 to September 2019**





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



## **Appendix H : Complaints and Compliments**

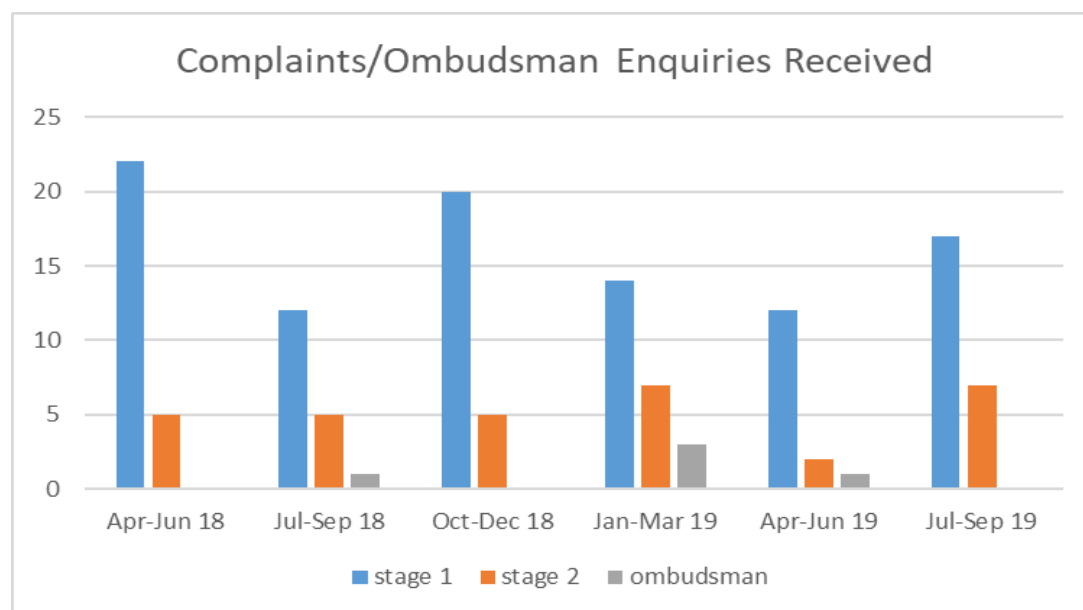
Complaints can be submitted online, in writing, in person at a local community hub and by phone. We aim to reply with a full written response within 10 working days. The chart below shows number of complaints received to.

The corporate complaints procedure involves 2 stages :

Stage 1 : The complaint is investigated within service and a draft response is provided to the Customer Relations Team who then writes to the complainant. The response letter also includes a final paragraph providing information on how to take the matter further if the complainant remains dissatisfied.

Stage 2: the complainant receives a response from the Chief Executive's Complaints officer 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 25 complaints were responded to, 20 of which were categorised as unhappy with the decision, 1 did not meet expectations, 3 related to lack of response and 1 was due to the service requested not being provided.



Of the 25 complaints which were responded to, 96% were answered within the target time of 10 working days, 7 of which had been escalated to Stage 2. 21 complaints were dismissed where no fault was found, 2 were partially upheld and 2 were upheld.

### **Complaints Upheld**

- Both relate to lack of consultation. One still had the opportunity to comment but one did not. It was not considered that this effected the outcome of the decision.

### **Complaint Partially Upheld**

- Delay in responding due to waiting for advice from Legal, which was out of the control of the Planning Service.
- Delay in providing written response to pre-app but full verbal advice was provided during a site visit. Customer requested full refund of planning application fee and pre-app fee. Refund provided for the difference between verbal and written advice.

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

The Ombudsman refused to investigate one complaint during the quarter as the Ombudsman would expect a complaint to be made to the LGO within 12 months of the complainant being aware of the issue.

Another complaint was not investigated by the LGO as the complainant had the right to appeal to the planning inspector.

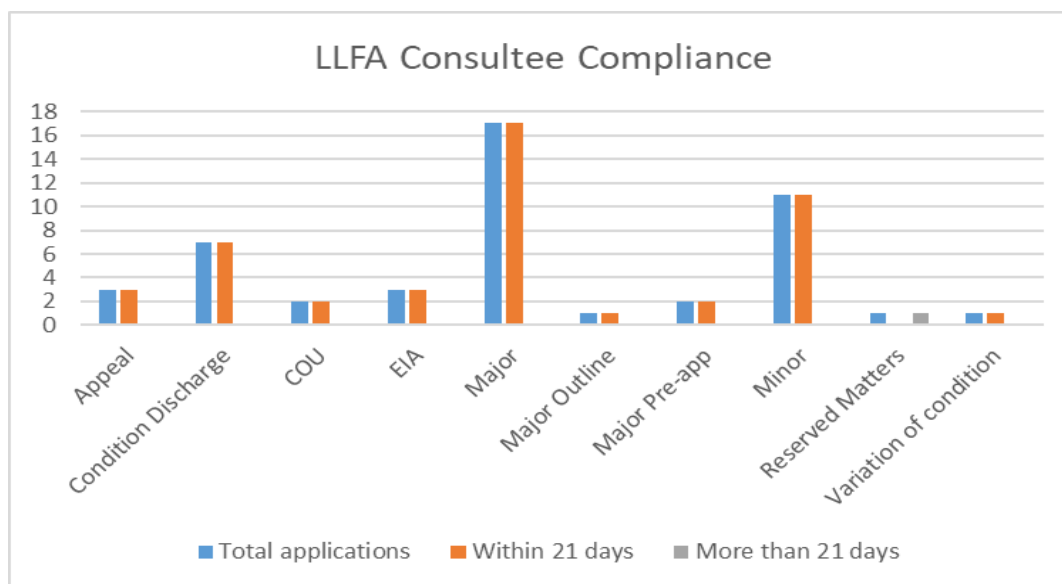
### **Compliments**

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

- Medway are definitely top of the class – why can't other councils be so helpful and efficient???
- I appreciate how you and your team have addressed the issues regarding the environmental implications so quickly.
- Thank you for your help. You have a first class team.
- I have spoken to your officer – she is amazing and an extremely pleasant person to speak with.

## Appendix I : Lead Local Flood Authority Consultee Compliance

Statutory Consultee compliance results from 1 July 2019 to 30 September 2019



Overall compliance for all types of consultations received is 98%, The internally set target is 80%.