

PLANNING COMMITTEE

18 AUGUST 2021

PERFORMANCE REPORT: 1 APRIL 2021 TO 30 JUNE 2021

Report from: Richard Hicks, Director of Place and Deputy Chief
Executive
Author: Dave Harris, Head of Planning

Summary

This report is presented quarterly to planning 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 Indication 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 and number completed, 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 2021 the authority received 413 planning applications; this is compared to 354 for the same period in

2020. For the year 20/21 the authority received 1,489 applications, this compares to 1461 in 2019/20 and 1456 in 2018/19.

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).

During the quarter 1 April to 30 June 2021 93% of major applications were determined within 13 weeks or within the agreed timeframe. This is against a target of 60%.

Performance for minor applications determined within 8 weeks or within the agreed timeframe during the quarter is 93%. This is against a target of 70%.

Performance for other applications determined within 8 weeks or within the agreed timeframe during the quarter is 97%. 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 2021), where applications have been determined within the statutory timeframe, Medway has exceeded the national target and the national average for all types of application. Where applications have been determined with an extension of time (PEA), Medway has performed above the national average for minor applications but below 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 COVID-19, annual leave, maternity leave and vacancies, the workload will need to be carefully managed if performance is to continue to be maintained. In this respect following the retirement of 3 experienced Senior Planning Officers, recruitment has proved to be challenging with only one suitable candidate being appointed despite going out to advert and interviewing twice. As a result a consultant has been appointed for a 4 month period to address the short term capacity/workload pressure and options are being considered in relation to the longer term solution.

- 3.3 The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 were laid before Parliament on 24 June 2020, and have passed into Law. In summary, the Regulations contain temporary provisions to facilitate the extension of the duration of certain planning permissions and listed building consents. This ensures that relevant permissions and consents will remain extant, enabling development to commence following delays caused by COVID-19.

- 3.4 There have been a number of other changes to the Order to deal with extensions to some of the temporary relaxations in planning due to COVID-19:
- The temporary PD right allowing restaurants and pubs to provide takeaway food services has been extended for a further 12 months and will now expire on 23 March 2022.
 - The temporary ability to use land for any purpose for an additional 28 days (in addition to the 28 days originally allowed) has been extended for a further year and now expire on 31 December 2021.
 - The temporary PD rights to hold outdoor markets by or on behalf of local authority have also been extended to 23 March 2022.
 - Emergency development by a local authority or health service body extended to 31st December 2021.
 - the Crown may authorise development of any buildings on Crown land for up to 12 months for the purposes of preventing, reducing or controlling a pandemic (COVID-19).
- 3.5 Due to COVID-19 the Planning Service continues to follow Government guidance and officers are working remotely from home where possible. Processes have been put in place to manage performance whilst at the same time safeguarding officers. Additional monitoring is taking place to ensure Planning is in a strong position when business returns to normal.
- 3.6 A temporary new process increasing delegated powers to the Head of Planning, was approved by Members of the Planning Committee on 1 April 2020. This operated until restrictions were lifted in July 2021. The process was that at the draft agenda stage the Head of Planning would provide the Planning Spokes with a copy of the draft agenda and all the associated reports. The Head of Planning would also send a copy of the list of the items on the draft agenda to all councillors. After 3 days the Head of Planning would meet virtually with the Planning Spokes to agree what items needed to remain on the agenda for Committee consideration and what items could be determined under delegated powers. As the process worked well and enabled the Committee to focus on those large scale or contentious applications that require debate and detailed Committee consideration, a report is being prepared for Full Council recommending the powers be extended permanently. Following the Government requirement that Council decision making and public meetings must go back to meeting face to face, the Planning Committee had its first 'in room' meeting since 1 April 2020 on 26 May 2021. Due to the need to maintain social distance and protect all those present, this took place at the St George's Centre as the only Council venue large enough and with the facilities to facilitate such a meeting. In order to protect members the

Committee though continued to operate with a reduced number of Councillors – 11 as opposed to the normal 15.

- 3.7 During the quarter 77 applications with Planning Extension Agreements were decided with 96% being determined within the agreed extended timeframe.
- 3.8 A number of Planning Performance Agreements (PPA's) were agreed in principle during the quarter and five were signed.
- 3.9 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. The most up-to-date Government data, which is for the period October 2017 to September 2019, shows the number of decisions overturned at appeal for major applications is 1.6% and 1.1% for non-major applications.
- 3.10 Government stats for applications for prior approvals for permitted developments by local planning authorities are reported in Appendix D.
- 3.11 The percentage of appeals allowed during the quarter is 36%. A total of 14 appeal decisions were received. 5 of these were allowed, one with partial costs. 1 was a delegated decision and 4 related to committee decisions, 3 of which were decisions overturned by committee. 9 appeals were dismissed. (See Appendix C).
- 3.12 The validation of tree preservation order 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.
- 3.13 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.
- 3.14 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 H.
- 3.15 Following the remote external assessment in June the service has successfully retained its ISO accreditation.

No non-conformatives were identified and the Assessor thanked all those involved for their professional and passionate approach. The next assessment will take place in November 2021.

3.16 Since remote working was encouraged in March 2020 due to COVID-19 the Head of Planning has held weekly Teams meetings with Team Leaders to help support managers with well-being issues as well as to continue providing a high quality service. The Head of Service has also sent regular emails to the whole service providing support to officers in relation to both work and well-being. Individual team leaders are having weekly team meetings to support staff as well as 1:1's with individuals. The team has also organised a number of other morale boosting activities such as sharing lock down stories and exercise sessions. It is important to acknowledge that adhering to the restrictions imposed due to the pandemic has had a significant impact on officers, due to personal experience of COVID or mental health issues and isolation.

4. Advice and analysis

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

5. Risk management

5.1 The risk register for the service rates the risk against service vulnerability, triggers, consequence or risk and mitigation.

5.2 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.

5.3 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.

5.4 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.

5.5 The service 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.

- 5.6 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.

6. Consultation

- 6.1 Development work on the production of the draft new Local Plan continues. It is anticipated that the preparation of Reg 19 Publication Local Plan document, including policies, should be completed by the Autumn 2021.
- 6.2 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 £2,897,686 has been received via S106 contributions and £110,500 has been received for Habitat Regulations Agreements. This makes a total of £3,008.186.
- 6.3 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.

Production of the next Housing Delivery test is scheduled for July 2021. The results will reflect delivery over a three year period.

The NPPF requires all authorities with a delivery of less than 95% to produce an action plan, those with less than 85% delivery to apply a buffer of 20% on the 5 year local housing need figure and those with a delivery of less than 75% have to apply the presumption in favour of sustainable development. As Medway was under 75% based on the HDT last year all 3 penalties apply to Medway.

Appendix E shows completions over the last two years against the need and the number of units under construction..

- 6.4 Recognising the important role that Small/Medium Enterprises (SME's) can play in helping Medway meet its housing needs, a North Kent SME Forum has been set up, which is chaired by an SME (Esquire Developments) with Medway assisting with administration. This should help to build stronger partnership working and support SME's to compliment the delivery of homes from the volume house builders.

7. Climate change implications

- 7.1 Planning Officers are members of a technical group supported by the Planning Advisory Service considering best practice in planning for climate change.

- 7.2 Representatives of the Planning team attend the Climate Change Board meetings and are on the Officer Climate Change Steering group to bring forward an action plan to deal with climate change.
- 7.3 Planning officers are supporting the commissioning of a heat network study.
- 7.4 Considerations of climate change are being reflected in the draft local plan policies and development allocations.
- 7.5 All planning applications for new development must have a section on Climate Change and Energy efficiency. Validation requirements have been changed so that all applications for new development are required to include information on climate change and energy efficiency

8. Financial implications

- 8.1 Development Management procedures are constantly being reviewed to reflect new ways of working.
- 8.2 Planning fees in England are set nationally by the government.
- 8.3 Planning income during the period April to June 2021 is £595,949. Total income for the year 2020/21 is £1,199,524. This compares to a total income for the year 2019/20 of £1,602,989 and 2018/19 of £1,426,876. See Appendix A, Figure 5.
- 8.4 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.
- 8.5 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.

9. Legal implications

- 9.1 There are no legal implications arising directly from this report.

10. Recommendations

- 10.1 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) Lead Local Flood Authority Consultation Compliance
- I) Complaints and Compliments

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 2018/19 to June 2021*

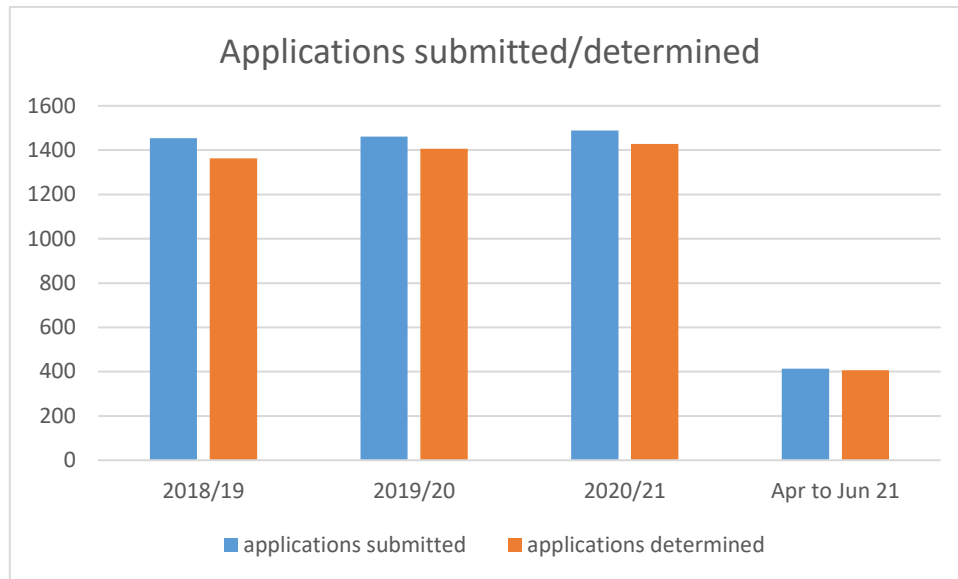


Figure 2 *Percentage of "Major" applications determined against performance target January 2020 to June 2021*

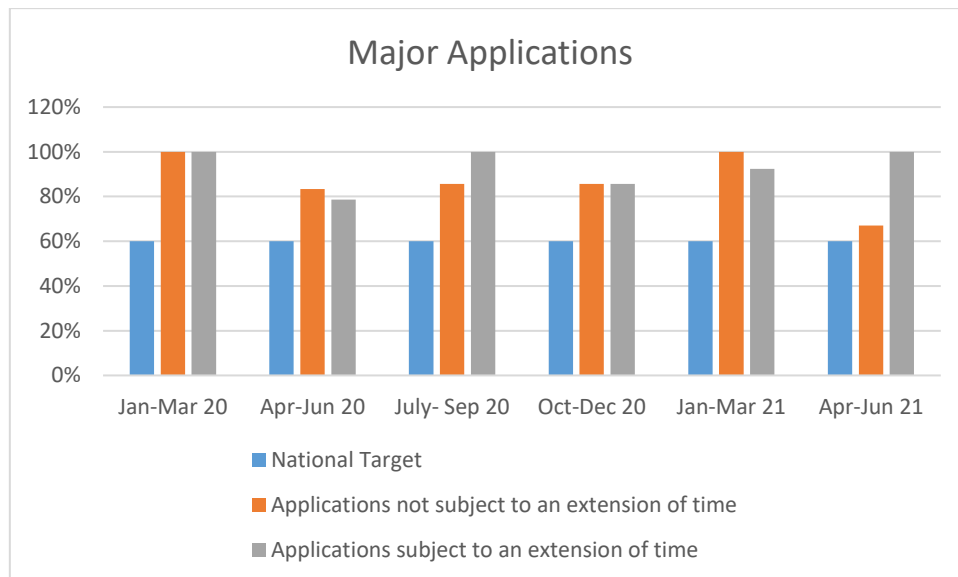


Figure 3 Percentage of “Minor” applications determined against performance target January 2020 to June 2021

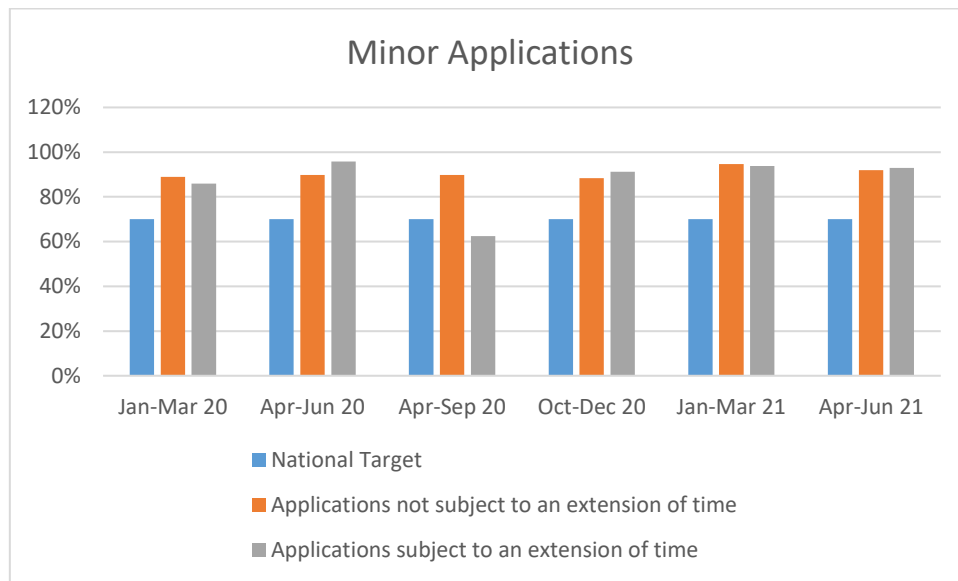


Figure 4 Percentage of “Other” applications determined against performance target January 2020 to June 2021

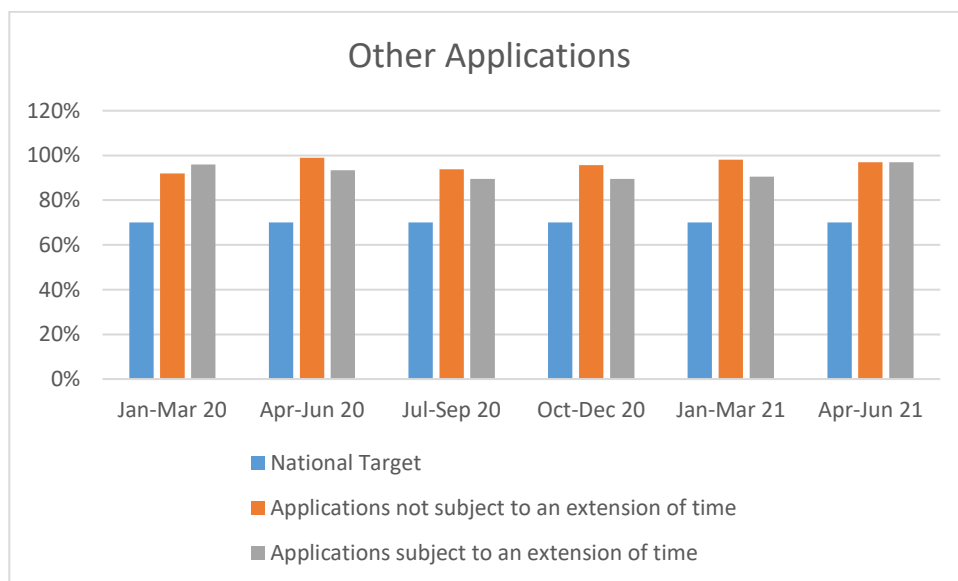
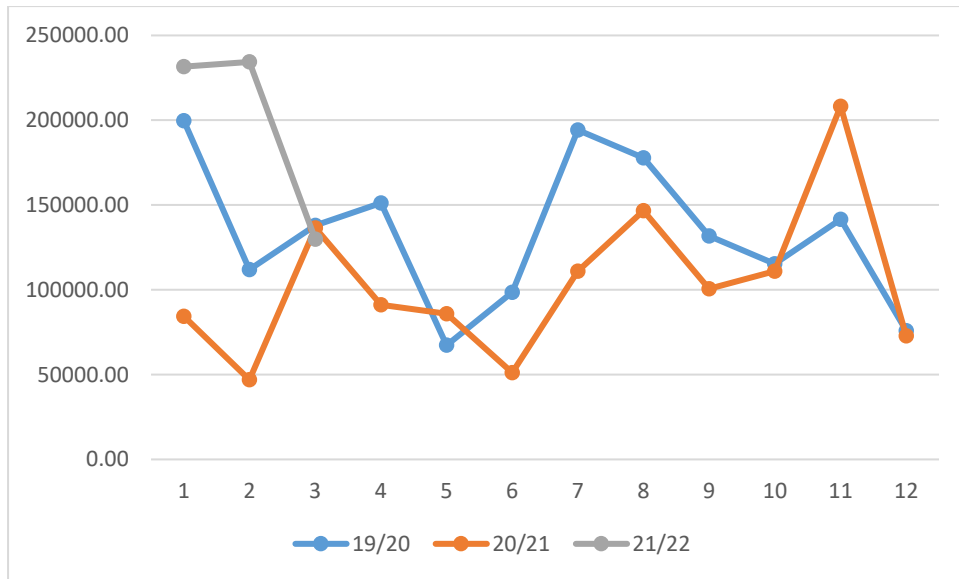


Figure 5 Planning application fees received 2019/20 and 2020/21 and April to June 2021



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 local planning authorities, which is January to March 2021.

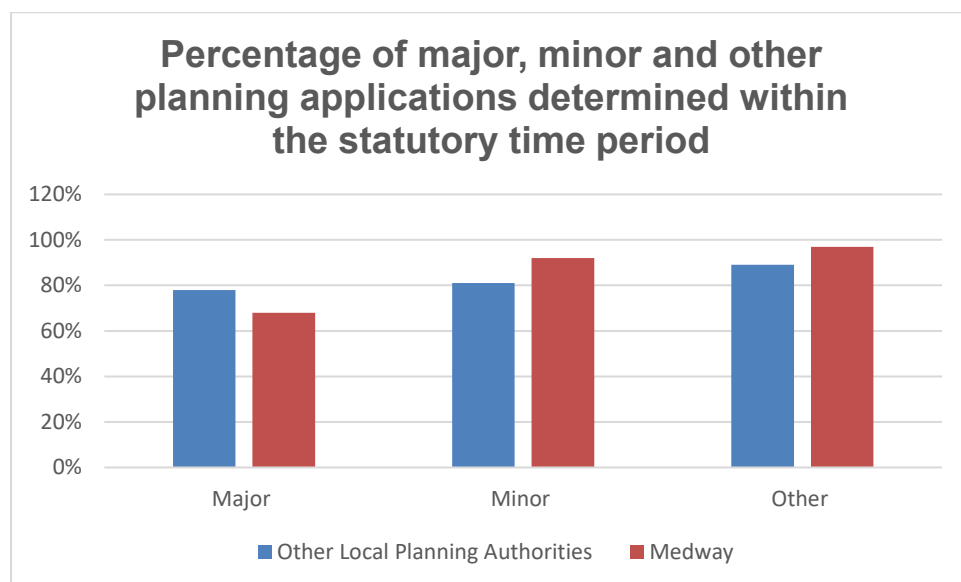
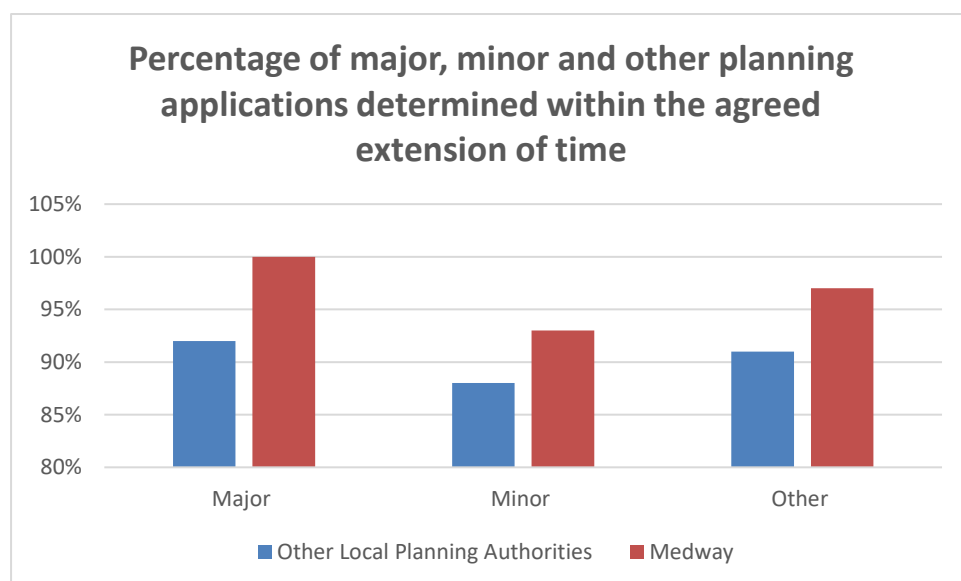


Figure 2 - Applications with a Planning Extension Agreement

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 local authorities, which January to March 2021, for applications with a Planning Extension Agreement.



Appendix C : Appeals

Figure 1 *Number of appeals decisions received from January 2020 to June 2021*

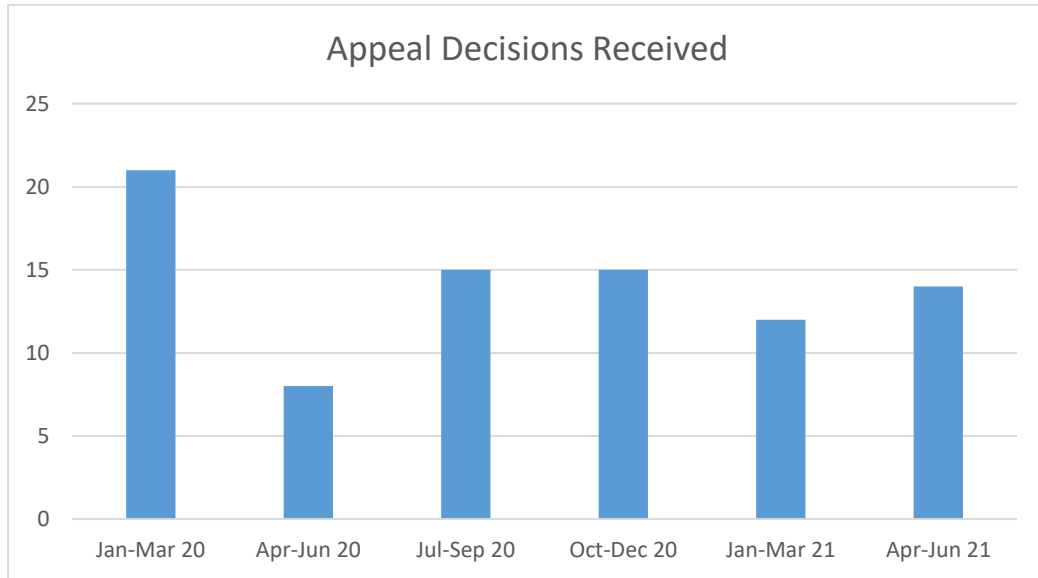
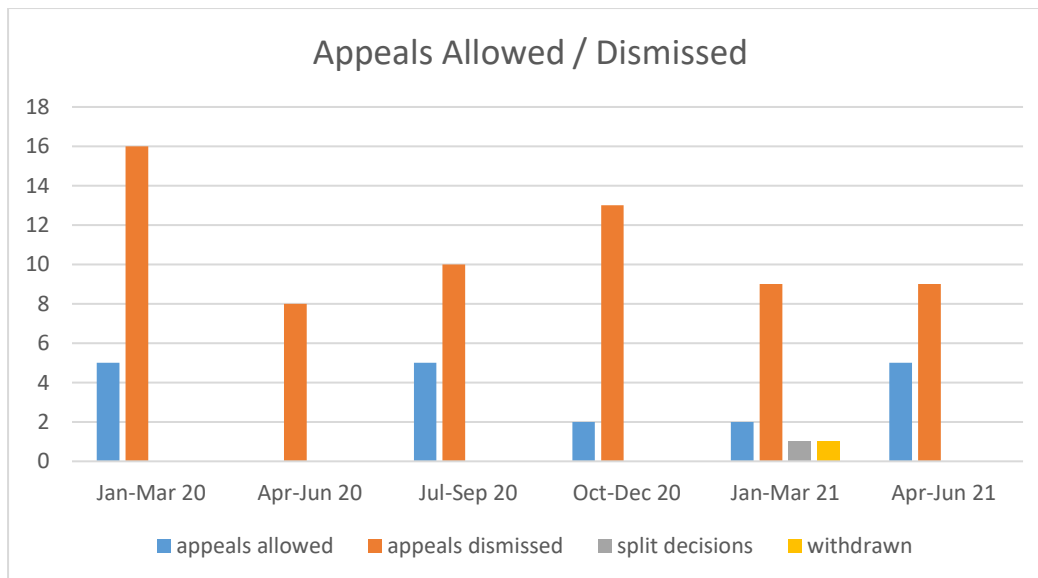
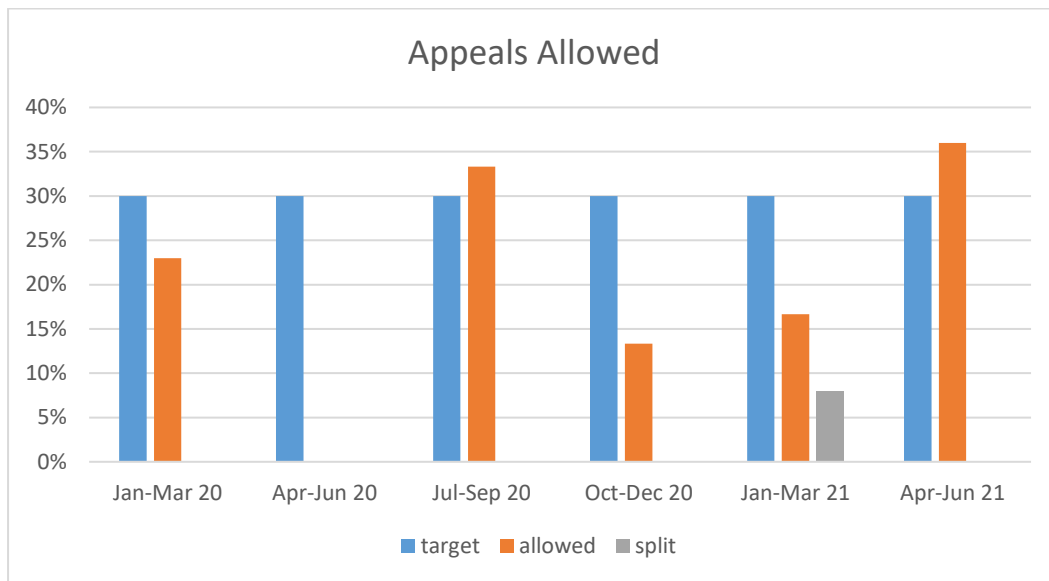


Figure 2 *Number of Appeals allowed / dismissed January 2020 to June 2021*

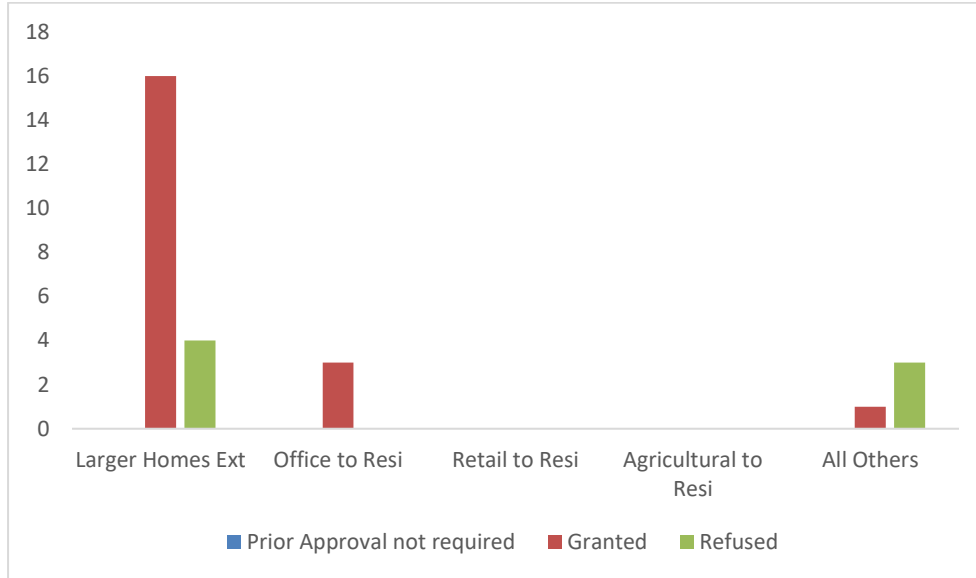


**Figure 3 : Percentage of appeals allowed against target of 30%
January 2020 to June 2021**



Appendix D : Applications for Prior Approvals for Permitted Developments

Figure 1: Number of prior approvals for permitted developments for the period April to June 2021



Appendix E

Number of units under construction

Year	No of units under construction as at 31 March (net)
2015	857
2016	760
2017	805
2018	1202
2019	1486
2020	1629

Number of units completed

	Year 2018/19	Year 2019/20
Completions	647	1130
Requirement	1683	1662
Surplus/Deficit	-1036	-532

Appendix F : Enforcement

Figure 1 Number of enforcement notices served and prosecutions April 2020 to June 2021

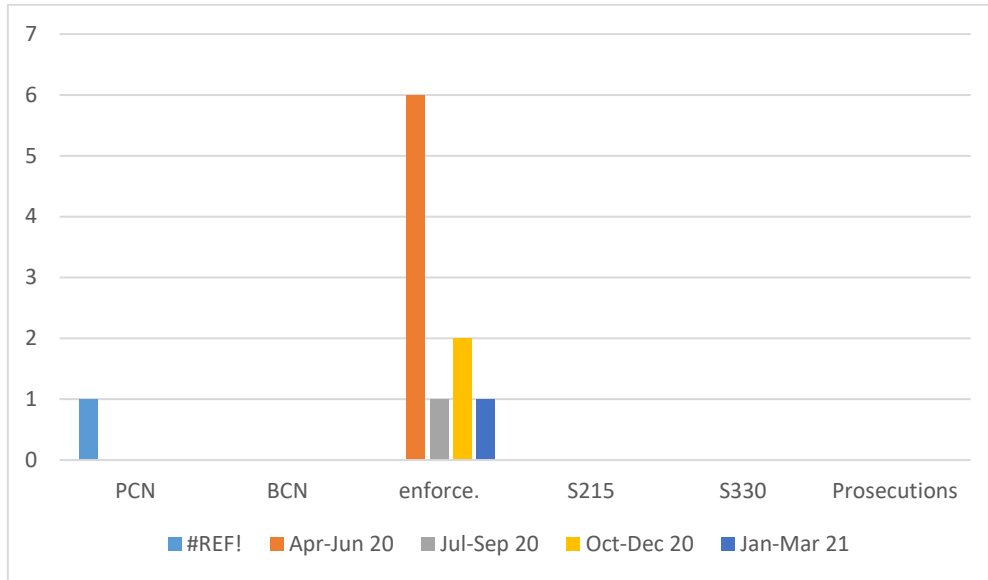
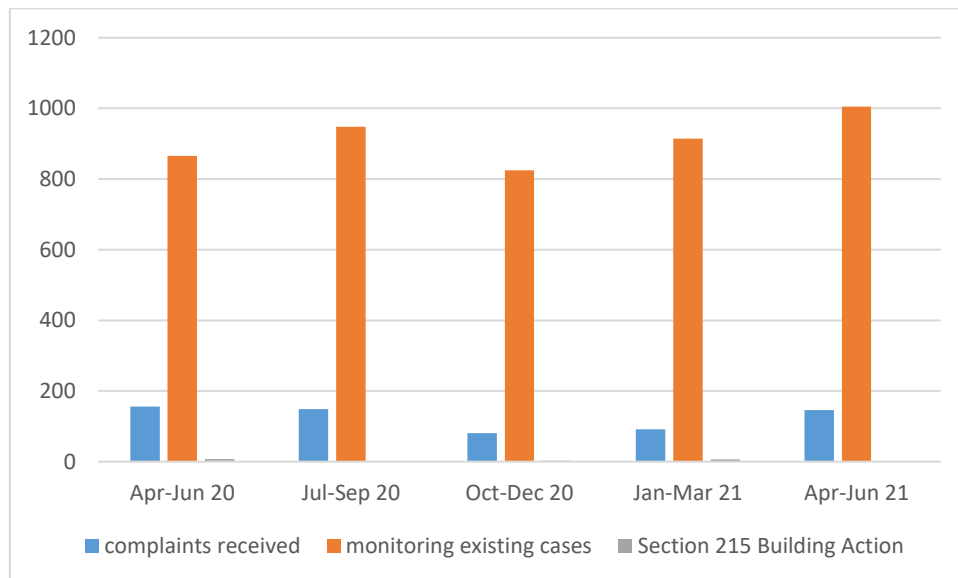


Figure 2 Number of enforcement related complaints and activities April 2020 to June 2021



Appendix G : Tree Preservation Order Applications

Figure 1 : TPO applications received from July 2020 to June 2021

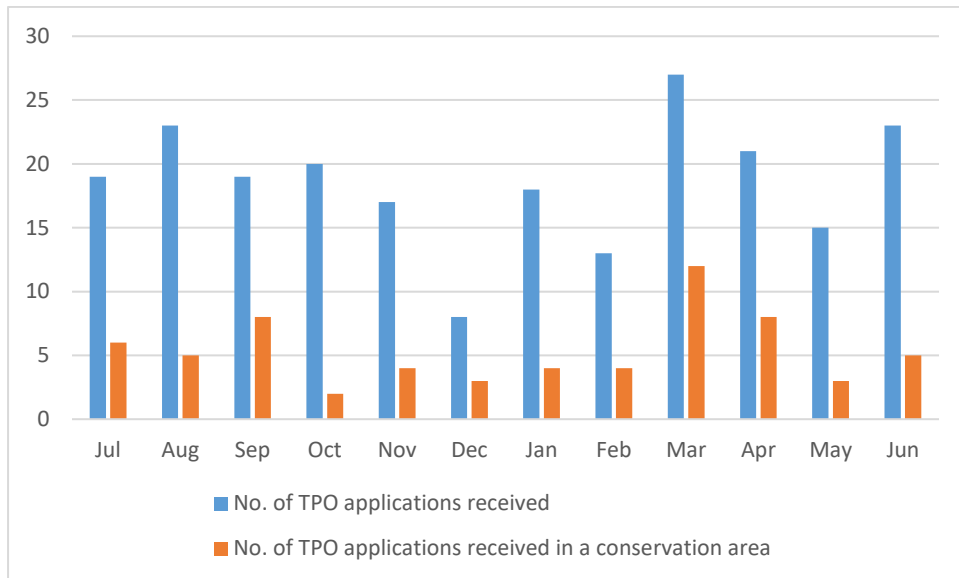


Figure 2 : TPO applications determined from July 2020 to June 2021

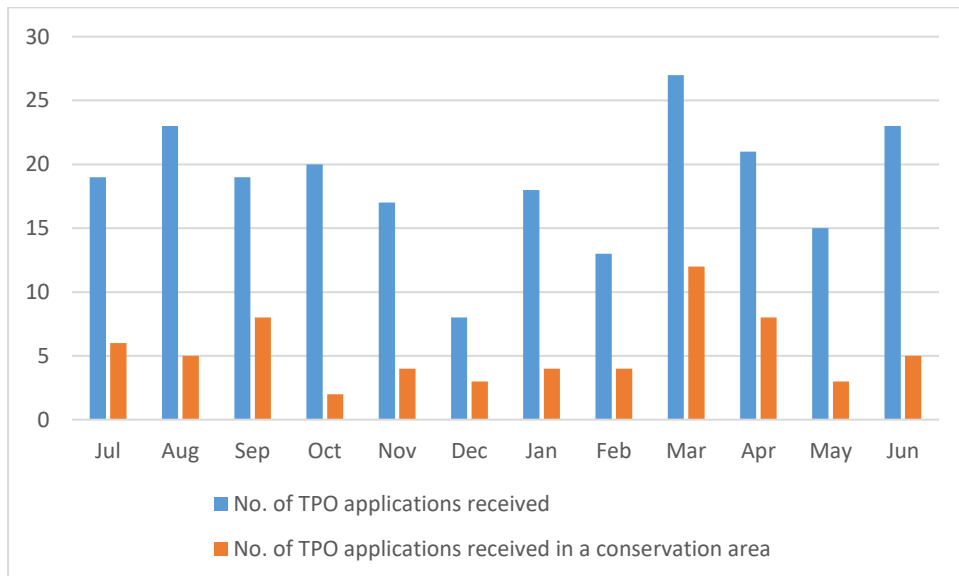
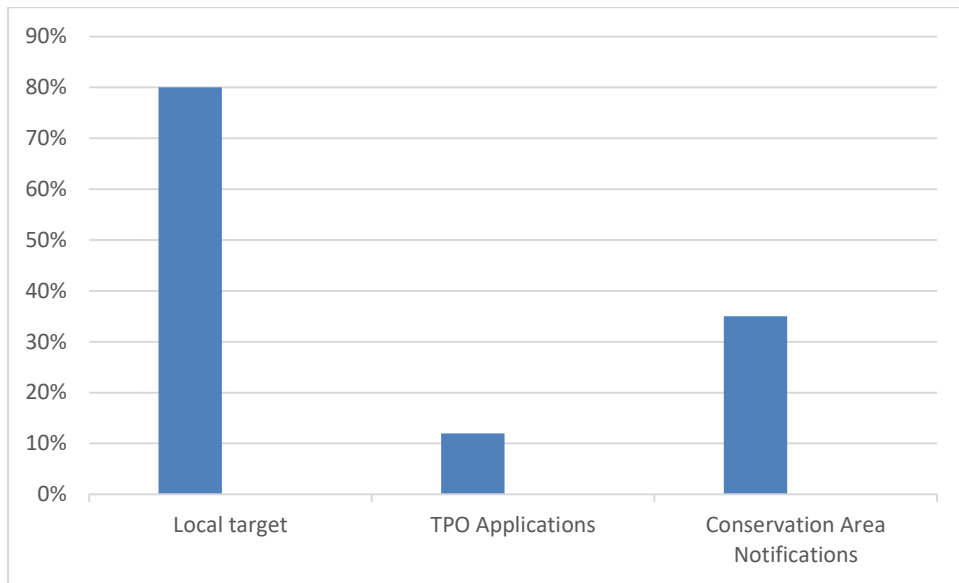
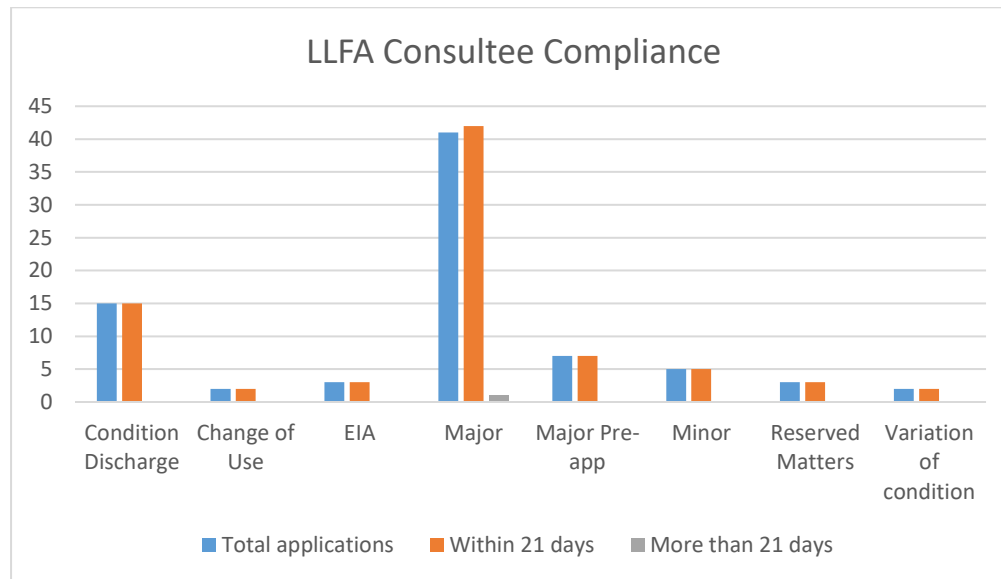


Figure 3 : TPO and Conservation Area Notification applications determined within target time from April 2021 to June 2021



Appendix H : Lead Local Flood Authority Consultee Compliance

Statutory Consultee compliance results from 1 April to 30 June 2021



Overall compliance for all types of consultations received is 99%, The internally set target is 80%.

Appendix I : Complaints and Compliments

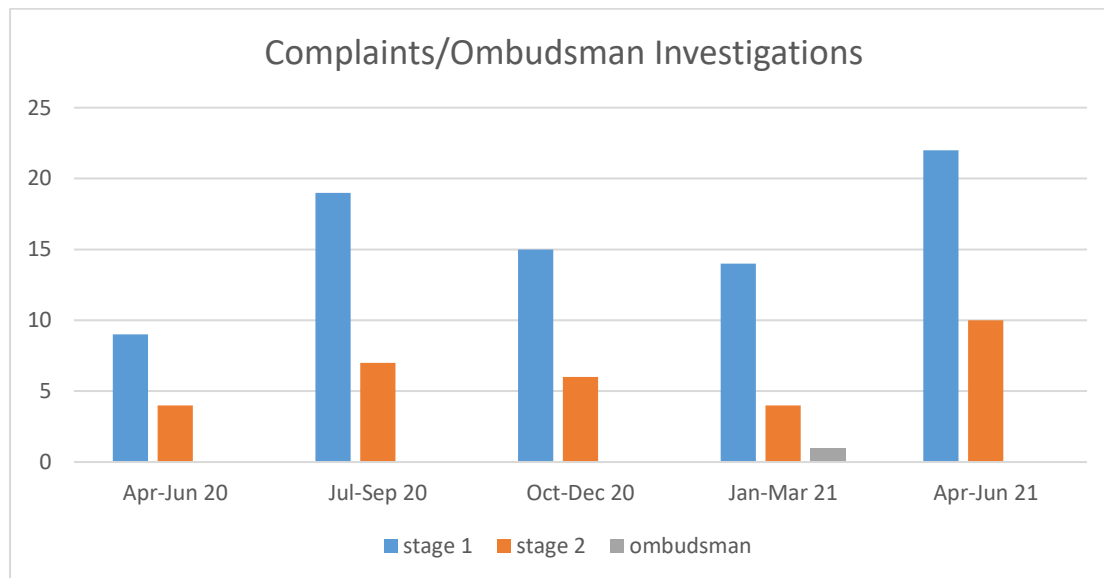
Complaints can be submitted online, in writing, in person at a local community hub and by phone. We aim to reply with a full written response within 10 working days. The chart below shows number of complaints received to.

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 April to June 2021, 38 complaints were responded to, 23 of which were categorised as unhappy with the decision, 2 related to poor service quality, 5 related to poor timeliness, 4 where communication was not satisfactory, 3 where service not was not provided and 1 where the service did not meet expectations.



Of the 38 complaints which were responded to, 39% were answered within the target time of 10 working days, 9 of which had been escalated to Stage 2. 32 complaints were dismissed where no fault was found, 2 was partially upheld and 4 complaints were upheld.

Complaints Partially Upheld

Petition was not referenced in the officer's report but the issues raised within the petition were taken into account when recommendation was made.

Delay in providing an update on enforcement case.

Complaints Upheld

All complaints upheld relate to an unsatisfactory delay in response to tree applications and lack of determination.

Ombudsman

The Local Government Ombudsman issued one decision during the quarter where there was no fault found in the Council's decision that the construction works completed were Permitted Development.

Compliments

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

- Thank you for your visit. I hope you did not feel intimidated by our family, but they have a quicker grasp of the details and we are feeling more comfortable with the situation now.
- I want to give thanks to your team. Even though sometimes there are errors (and I make errors too!) your staff are all so helpful and prompt in resolving matters and all so lovely to deal with. I do appreciate them. They are very kind to me also when I make errors and tell them the wrong things and they need to correct my errors.
- Medway Council in my view are one of the best performing in these times and are generally very prompt and even if things do go a bit awry on an application you react quickly and get sorted and not result in last minute issues.
- I did watch the planning committee last night and was very happy with the outcome. I must say the presentation given by the Head of Planning was very good and I cannot thank him enough.
- We wanted to say thank you for your help and proactiveness on this application.