

PLANNING COMMITTEE

24 AUGUST 2022

PERFORMANCE REPORT: 1 APRIL 2022 TO 30 JUNE 2022

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. The report covers the period from 1 April 2022 to 30 June 2022.

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 2022 the authority received 320 planning applications; this is compared to 412 for the same period in 2021. For the year 2021/22 the authority received 1,586, this compares to 1,520 in 2020/21 and 1458 in 2019/20.

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 period 1 April 2022 to 30 June 2022 100% 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 90%. This is against a target of 70%.

Performance for other applications determined within 8 weeks or within the agreed timeframe during the quarter is 93%. 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, 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 also exceeded the national target and the national average for all types of application (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 the pandemic, annual leave and vacancies, the workload will need to be carefully managed if performance is to continue to be maintained. Recruitment has proved to be challenging and the service is currently carrying 3 vacant planner posts, a tree officer post, an assistant policy planner post, 2 senior policy planner posts, a senior planner DM post and an urban design officer post (the urban design post will be filled from 15 August) . As a result, a variety of consultants have been appointed for a short-term period to address the capacity/workload pressure in Development Management and options are being considered in relation to the longer-term solution.

A tree consultant continues to help clear the backlog of outstanding tree applications caused by the restrictions due to the pandemic and an increase of applications.

- 3.3 During the period 1 April to 30 June 2022 64 applications with Planning Extension Agreements were decided with 98% being determined within the agreed extended timeframe.
- 3.4 During the period 3 Planning Performance Agreements (PPA's) were completed and a number agreed in principle.
- 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. The most up-to-date Government data, which is for the period October 2018 to September 2020, shows the number of decisions overturned at appeal for major applications is 0.7% and 1.1% for non-major applications. Government have demonstrated the importance of this target by taking action against Uttlesford and removing their planning powers for losing too many appeals
- 3.6 Government stats for applications for prior approvals for permitted developments by local planning authorities are reported in Appendix D.
- 3.7 The percentage of appeals allowed during the period 1 April 2022 to 30 June 2022 is 37.5%. A total of 8 appeal decisions were received. 3 of these were allowed, which included 2 Committee decisions which overturned the officer recommendation. 5 appeals were dismissed, including 2 relating to enforcement. (See Appendix C). Government statistics indicate that Medway was in the top 20 Authorities in the Country for defending appeals against decisions on Major applications (figures provided for 2021). There are other authorities in Kent that are in the bottom 20 due to not making decisions in accordance with recently adopted Development Plans or not responding appropriately to the presumption in favour of sustainable development – this has also resulted in significant award of costs against those Councils
- 3.8 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.
- 3.9 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.
- 3.10 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.

3.11 Following the external assessment in May the service has successfully retained its ISO accreditation with no non-conformities. There were three suggested minor areas for improvement, these include some objectives in the service plan looking to meet mandatory requirements rather than looking at opportunities to improve, calibration of technical equipment and how we assess competence. These suggestions were discussed but it is considered that our service plan is very much about constantly looking at where we can improve. We did challenge the assessor where he was requesting evidence of competence based purely on qualification, pointing out that we follow the corporate competency framework, support staff through 121's and PDR's and that 20-30 years' experience can count for more than a qualification. The next assessment will take place in November 2022.

3.12 Since remote working was encouraged in March 2020 due to the pandemic 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. 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. The service has now adopted a hybrid approach to working where staff can work from home and the office in a manner which works for the service and for the staff.

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. Reflecting delays, the increase in our housing targets from April, the need to extend the timeframe for the Local Plan (15 years post adoption is a legal requirement) an updated Local Development Scheme will be reported to Cabinet in October.
- 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 period 1 April to 30 June 2022 £2,346,921.87 has been received via S106 contributions and £65,059.08 has been received for Habitat Regulations Agreements. This makes a total of £2,411,980.95.
- 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.

The Planning Service has produced a Housing Delivery Test Action Plan following the publication of the updated measure in January 2022. The Action Plan notes that rates of housebuilding in Medway in the last few years have been the highest in over 20 years. However, they still fall below the high levels of housing needed as calculated by the government's standard methodology. The action plan sets out the council's proactive approach to helping to boost investment in housing in Medway.

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 (at present Paul Henry of Esquire Developments). This should help to build stronger partnership working and support SME's to compliment the delivery of homes from the volume house builders.
- 6.5 Work continues on the Design and Regeneration Awards planned to take place in September 2022. The judging panel have visited all shortlisted schemes and the winners have been determined.

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 2022 is £242,512. Total income for the year 2021/22 is £1,555,439. This compares to a total income for the year 2020/21 of £1,199,524 and 2019/20 of £1,602,989. 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. Recommendation

- 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 2019/20 to June 2022*

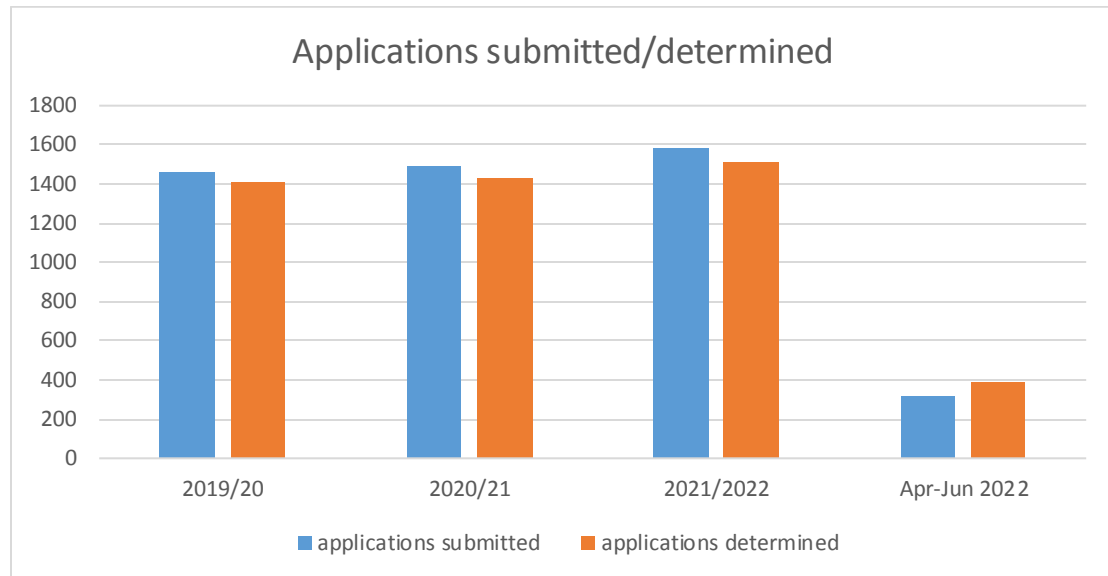


Figure 2 *Percentage of "Major" applications determined against performance target April 2021 to June 2022*

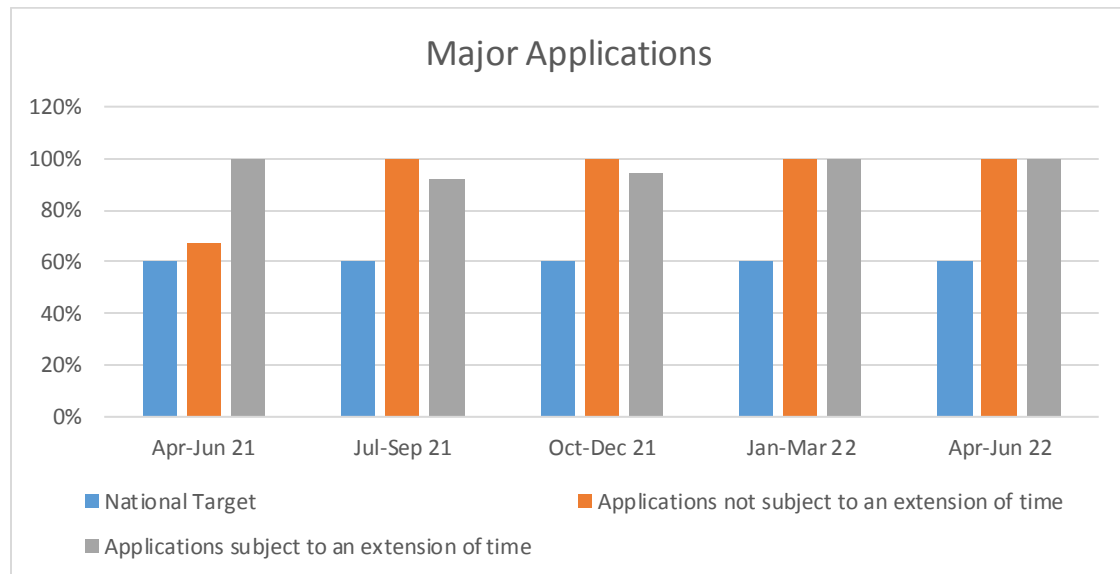


Figure 3 Percentage of “Minor” applications determined against performance target April 2021 to June 2022

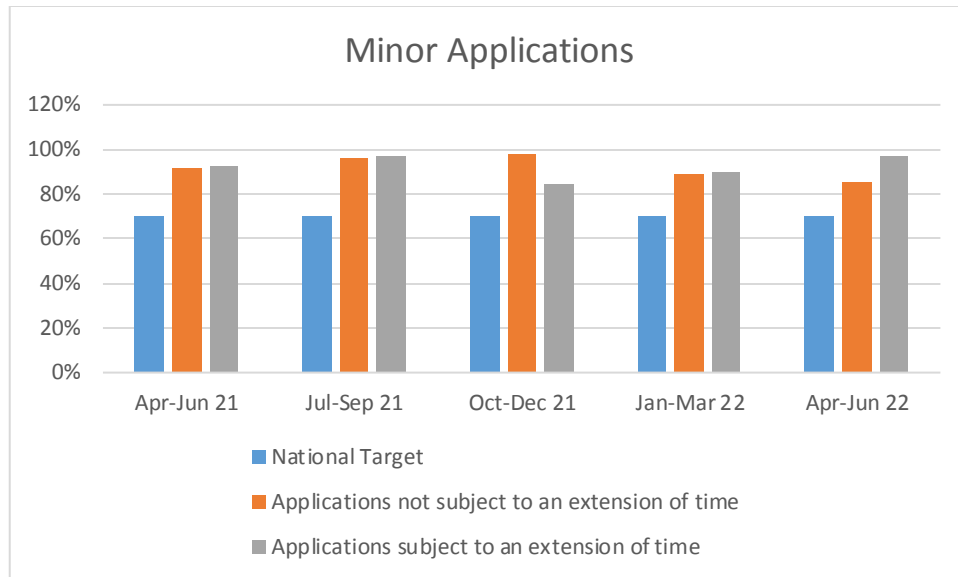


Figure 4 Percentage of “Other” applications determined against performance target April 2021 to June 2022

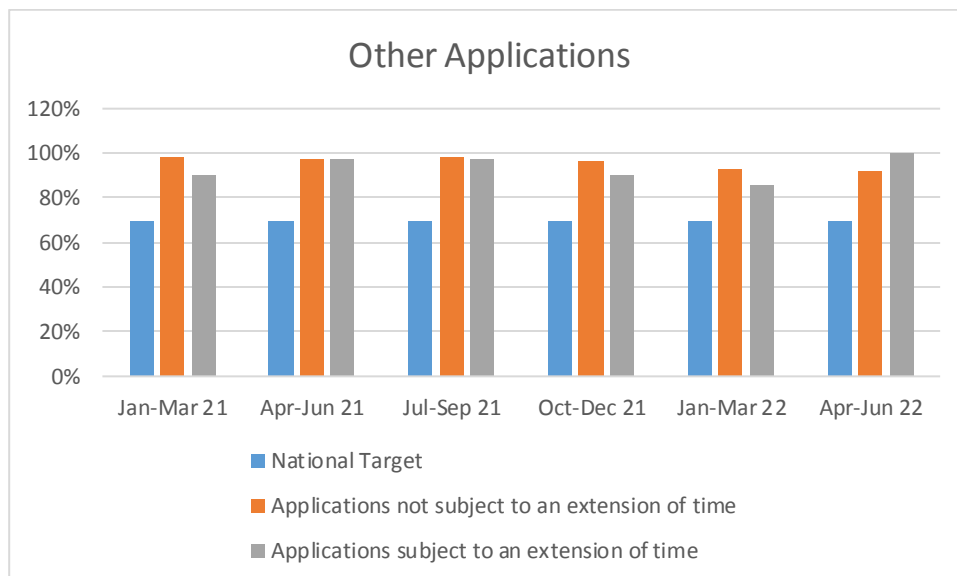
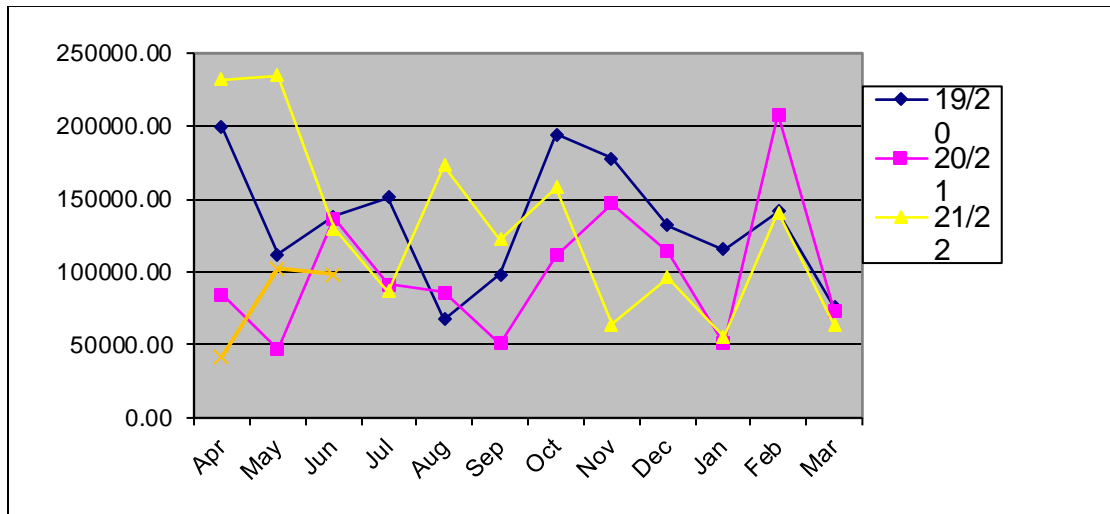


Figure 5 Planning application fees received 2019/20 and 2020/21, 2021/22 and April to June 2022



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.

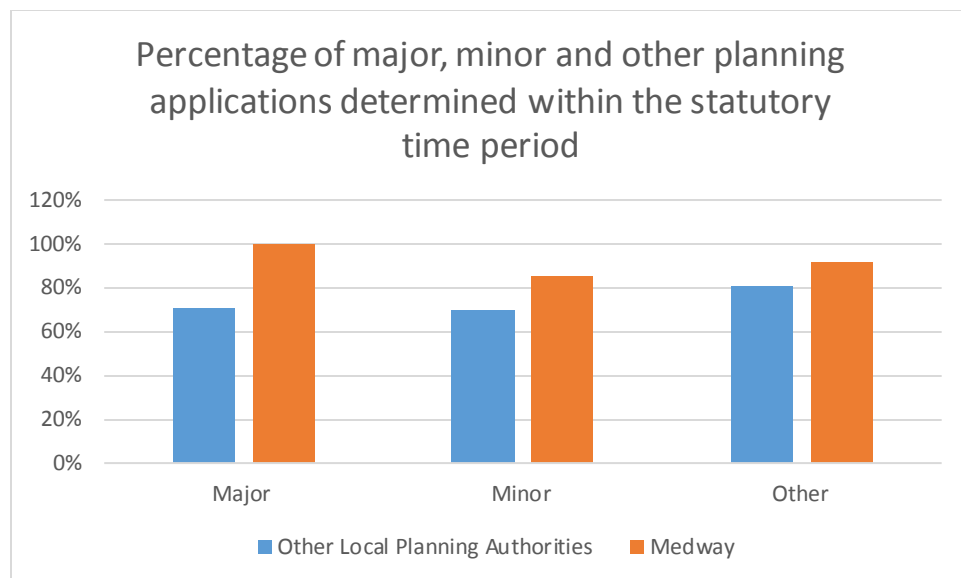
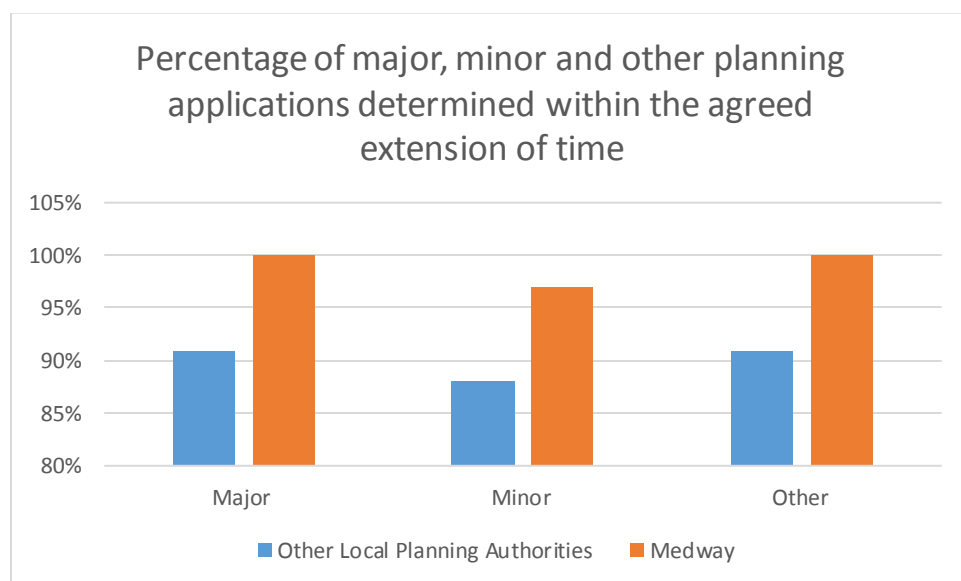


Figure 2 - Applications with a Planning Extension Agreement

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 for applications with a Planning Extension Agreement.



Appendix C : Appeals

Figure 1 *Number of appeals decisions received from April 2021 to June 2022*

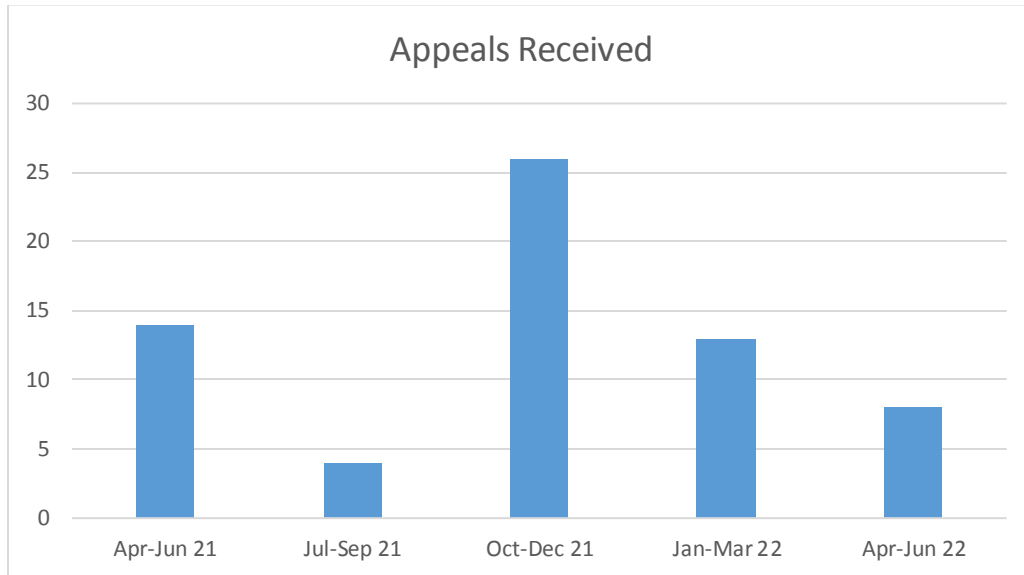
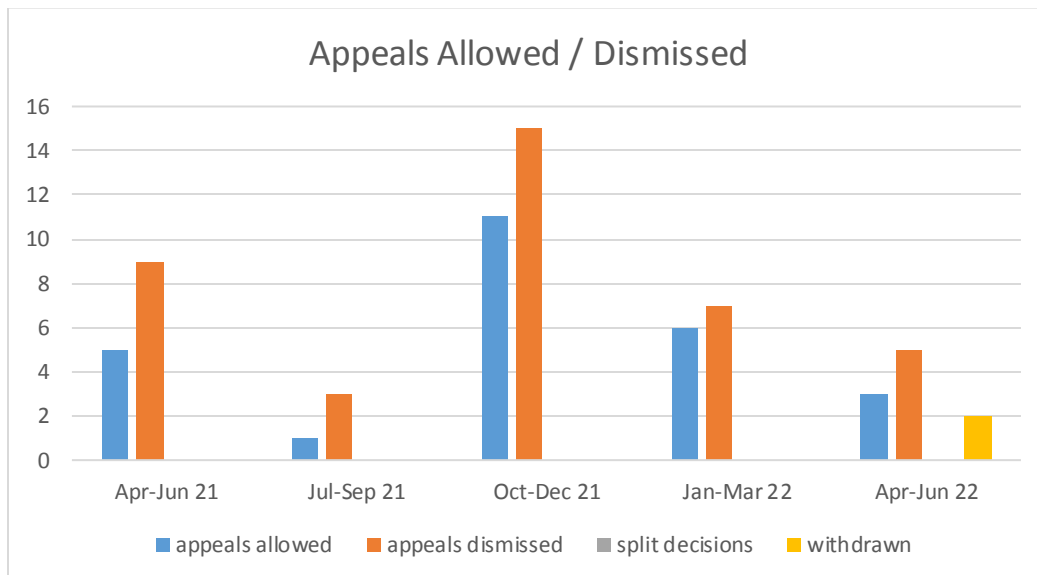
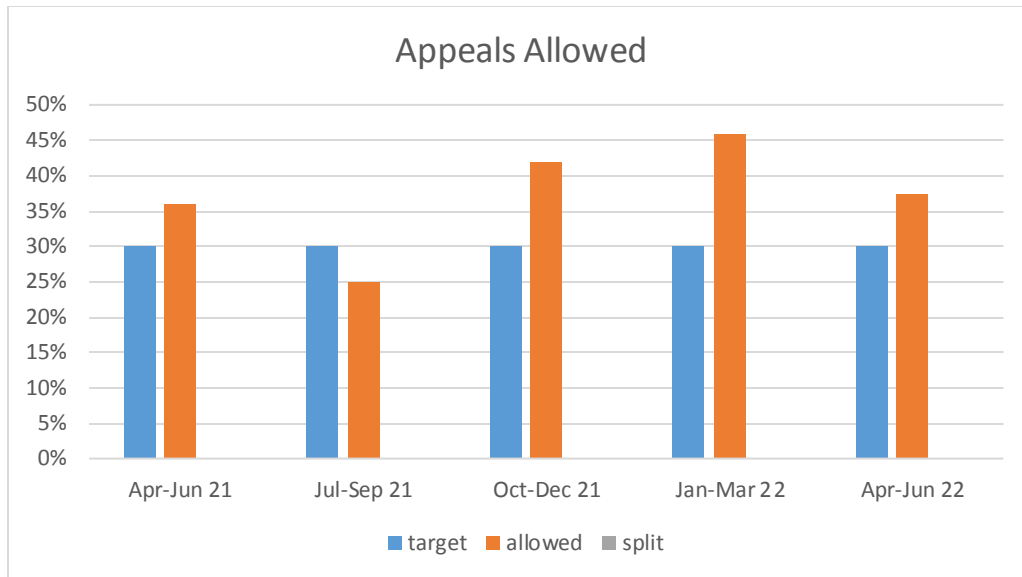


Figure 2 *Number of Appeals allowed / dismissed April 2021 to June 2022*

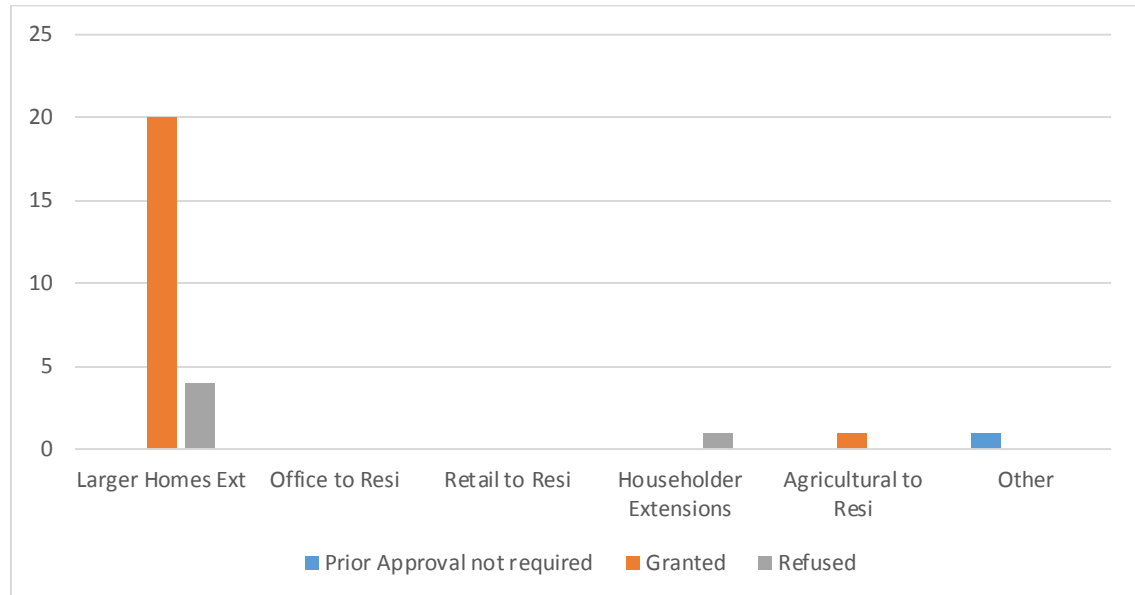


**Figure 3 : Percentage of appeals allowed against target of 30%
April 2021 to June 2022**



Appendix D : Applications for Prior Approvals for Permitted Developments

Figure 1: Number of prior approvals for permitted developments for the period April to June 2022



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
2021	1925

Number of units completed

	Year 2018/19	Year 2019/20	Year 2020/21
Completions	647	1130	1082
Requirement	1683	1662	1586
Surplus/Deficit	-1036	-532	-504

Appendix F : Enforcement

Figure 1 Number of enforcement notices served and prosecutions April 2021 to June 2022

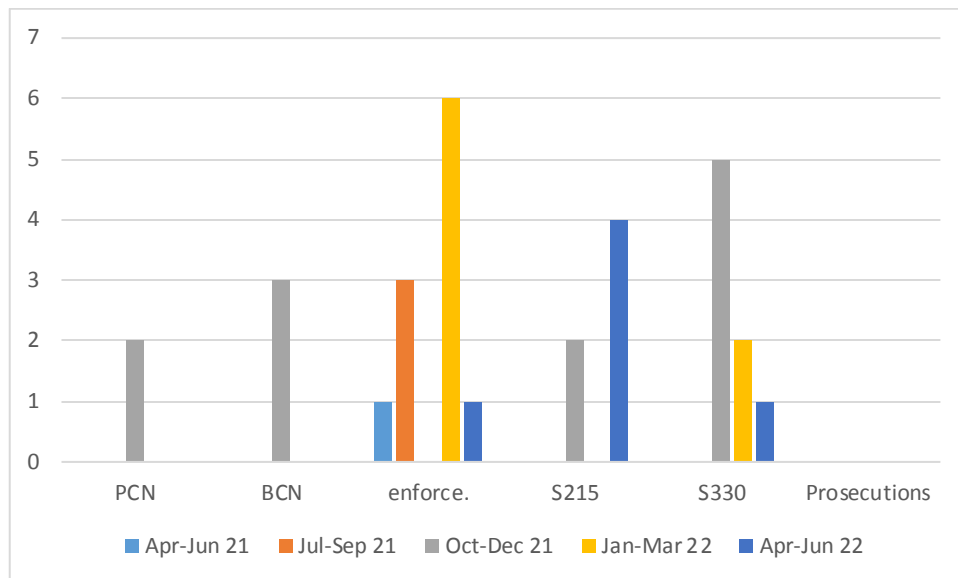
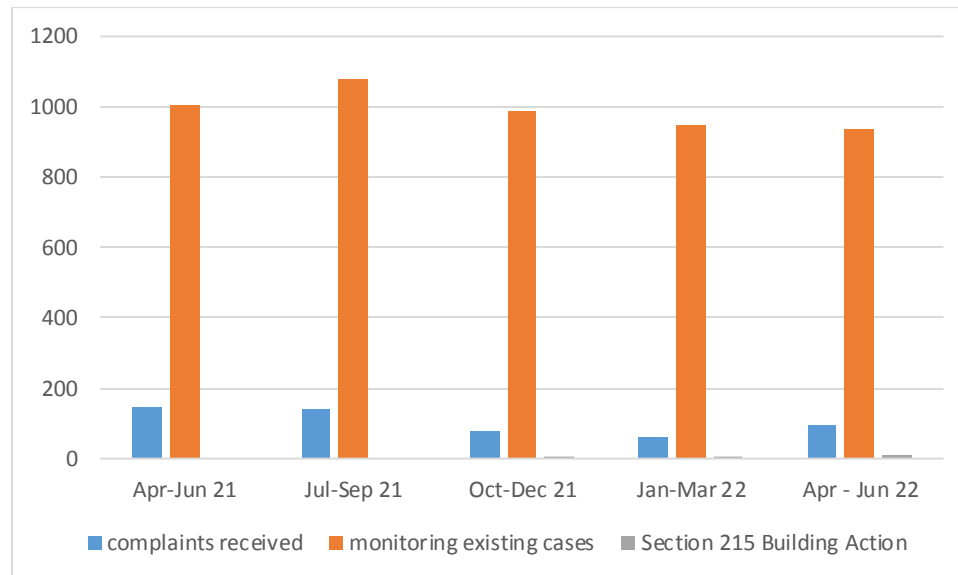


Figure 2 Number of enforcement related complaints and activities April 2021 to June 2022



Appendix G : Tree Preservation Order Applications

Figure 1 : TPO applications received from July 2021 to June 2022

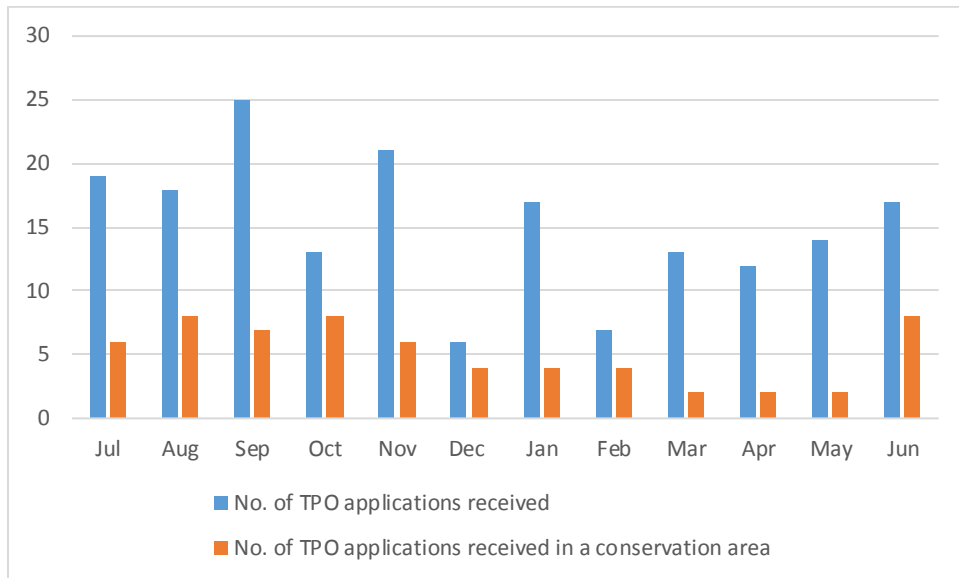


Figure 2 : TPO applications determined from July 2021 to June 2022

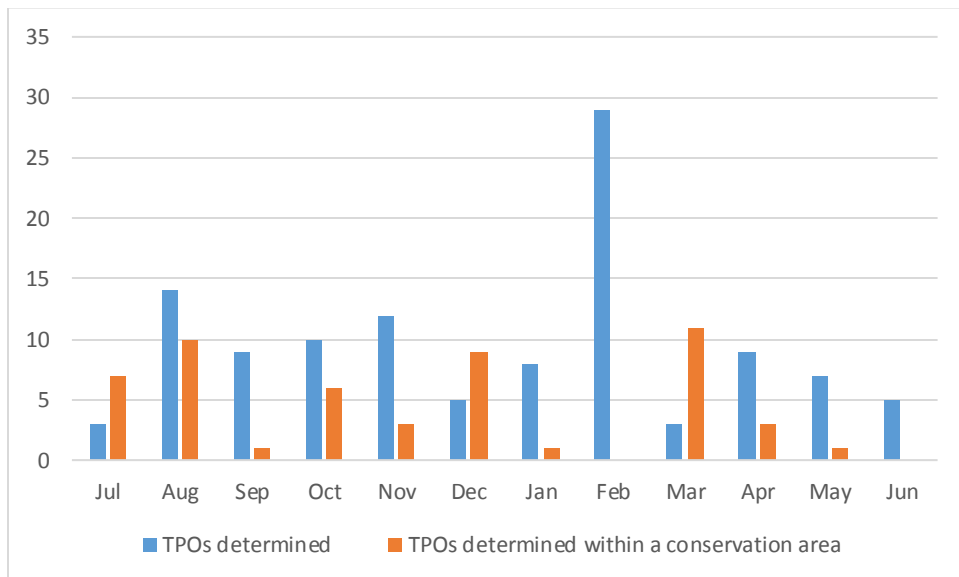
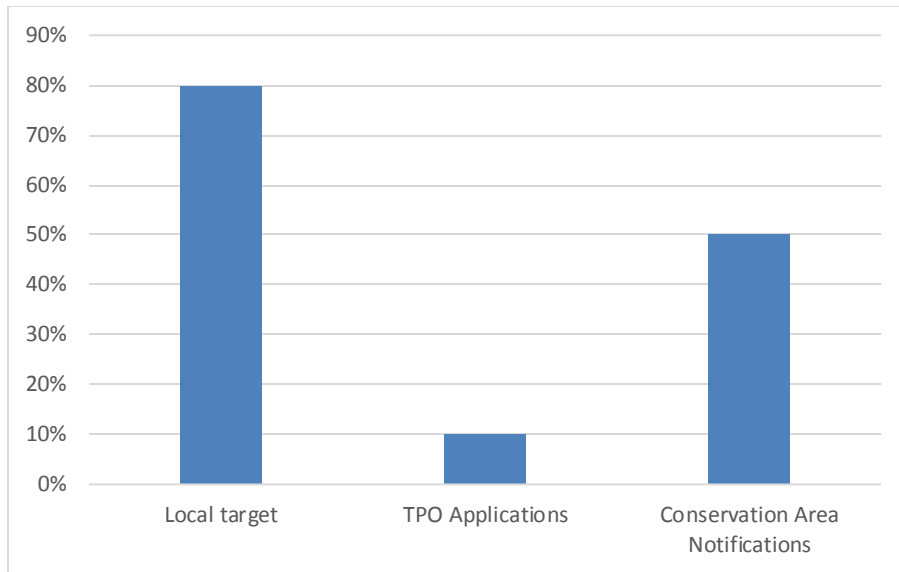
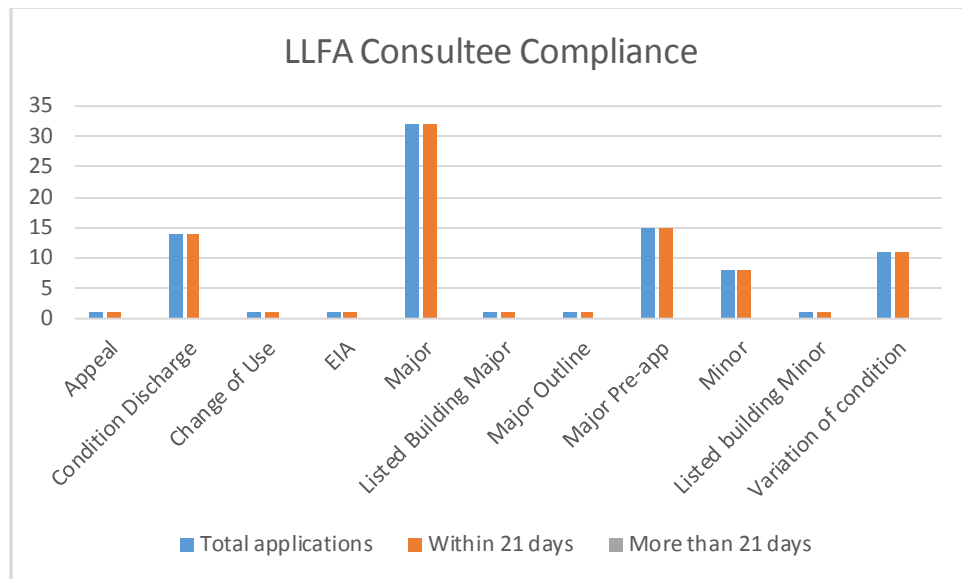


Figure 3 : TPO and Conservation Area Notification applications determined within target time from April 2022 to June 2022



Appendix H : Lead Local Flood Authority Consultee Compliance

Statutory Consultee compliance results from 1 April to 30 June 2022



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

Appendix I : Complaints and Compliments

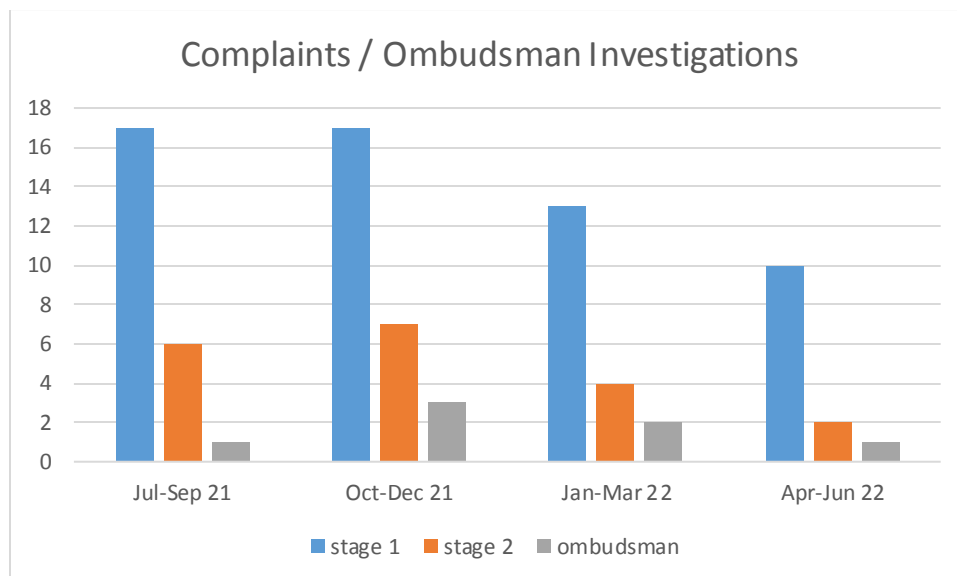
Complaints can be submitted online, in writing, in person at a local community hub and by phone. We aim to reply with a full written response within 10 working days. The chart below shows number of complaints received to.

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 period 1 April to 30 June 2022, 12 complaints were responded to, 4 of which were categorised as unhappy with the decision, 1 was where the service was not provided, 2 where communication was not satisfactory and 2 where communication was not satisfactory as well as poor timeliness, 2 where service did not meet expectations and 1 related to a problem with IT.



Of the 12 complaints which were responded to, 83.33% were answered within the target time of 10 working days, 2 of which had been escalated to Stage 2. 7 complaints were dismissed where no fault was found, 1 was partially upheld and 4 complaints were upheld.

Complaints Upheld

Lack of response to emails and telephone calls.
Delay in determination of Tree application.

Complaint Partially Upheld

Delay due to working with Legal Service to agree an appropriate solution to the serious issue of the removal of trees covered by TPO.

Ombudsman

The Local Government Ombudsman issued four decisions during the quarter. Two were closed after initial enquires as the complaint was considered out of the jurisdiction of the LGO. One was closed after initial enquiry as no action required.

One complaint was upheld due to maladministration and injustice. This relates to an enforcement investigation regarding the raising of land levels, which was found not to have been properly investigated. This case has been allocated to an experienced planning officer to re-investigate. A payment of £100 has been paid to the complainant in recognition of his frustration and time and trouble pursuing the complaint.

Compliments

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

- our experience of working with Medway Planning Department has been excellent. The Case Officer has at all times been helpful and prompt in his responses and assisted us throughout to ensure he had the information he needed to consult, plus to inform and produce his report. Validation services similarly assisted in ensuring information was provided in the format required to allow the Case Officer to progress the application; we are now in the hands of the members.
- An excellent feature for us as agents has been the ability to submit the application whilst arranging for payment to come from a third party.
- We recognise that Planning Authorities across the whole of England are suffering from resource issues, but this doesn't appear to have impacted on the service we have received from Medway which must come from commitment and team work. So a pat on the back.
- Could provide contact details for your manager as I would like to provide some positive feedback on how helpful you have been for both my applications.
- Thank you for the proactive way that you have dealt with these planning applications.

- Many thanks for all your help on this one? As always, a pleasure to work on schemes in Medway! On to the next one ... 😊
- Thank you for your intervention in enforcing the fitting of obscure glass on the side windows. This has been a huge relief for us and the difference it has made to our lives is immeasurable. Much appreciated.
- Many thanks for the very prompt and proactive approach that you have taken for this application which is much appreciated.
- Very helpful and incredibly responsive. Working in London boroughs – I'm not used to getting prompt responses! Thank you
- Quick off the mark...super planner