

Planning Committee

8 May 2024

Performance Report 1 January to 31 March 2024

Portfolio Holder: Councillor Simon Curry, Portfolio Holder for Climate Change and Strategic Regeneration

Report from: Mark Breathwick, Assistant Director, Culture & Community - Regeneration Culture Environment and Transformation

Author: Dave Harris, Chief Planning Officer

Summary

This report is presented to the Planning Committee informing Members on current planning performance and the Local Plan. The report covers the period from 1 January to 31 March 2024.

1. Recommendation

- 1.1 The Planning Committee is asked to consider and note the report which is submitted to assist the Committee in monitoring planning activity.

2. Budget and policy framework

- 2.1 There are no budget and policy framework decisions arising directly from this report. This is an information item for the Planning Committee.

3. Background

- 3.1 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.

- 3.2 The National Planning Policy Framework (NPPF) was revised on 19 December 2023 as part of the Levelling-up and Regeneration Bill and sets out the Government's planning policies and how these are expected to be applied.

4. Performance

- 4.1 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 (TPO) applications, a breakdown of complaints and compliments received and Lead Local Flood Authority Consultee Compliance.
- 4.2 During the period 1 January to 31 March 2024 the Authority received 282 planning applications; this is compared to 329 for the same period in 2023. For the year 2023/24 the Authority received 1,102, this compares to 1,230 in 2022/23 and 1,586 in 2021/22.
- 4.3 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).
- 4.4 During the period 1 January to 31 March 2024 100% of major applications were determined within 13 weeks or within the agreed timeframe. This is against a target of 60%.
- 4.5 Performance for minor applications determined within 8 weeks or within the agreed timeframe during the period is 91%. This is against a target of 70%.
- 4.6 Performance for other applications determined within 8 weeks or within the agreed timeframe during the period is 95%. This is against a target of 70%.
- 4.7 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.
- 4.8 Comparing performance against the latest data available nationally for the period October to December 2023, where applications have been determined within the statutory timeframe, Medway has exceeded the national target and the national average for all types of applications. Where applications have been determined with an extension of time (PEA), Medway has also exceeded the national average for all types of applications (see Appendix B).
- 4.9 During the period 1 January and 31 March 2024, 46 applications with Planning Extension Agreements were decided with 100% being determined within the agreed extended timeframe.
- 4.10 During the period, 4 Planning Performance Agreement (PPAs) have been completed and a number have been agreed in principle.
- 4.11 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 and vacancies, the workload will need to be carefully managed if performance is to continue to be maintained.
- 4.12 A number of appointments have been made to vacant posts but the service still carries some vacancies, which will take time to fill as authority to recruit

has only recently been received due to the moratorium at the end of the last financial year.

- 4.13 The service continues to use a variety of consultants during the interim period, covering consideration of TPO applications, conservation matters and planning applications. Where possible the cost of the use of consultants for planning applications is covered through PPAs.
- 4.14 As part of the reform of the planning system, the Government are focusing on planning committee decisions, with the Planning Inspectorate being asked to start reporting to Government about cases where a successful appeal is made against a planning committee decision contrary to the officer's recommendation. The overturning of a recommendation made by a professional officer should be rare and infrequent. The Government have reminded the Inspectorate that where it cannot find reasonable grounds for the committee having overturned the officer's recommendation, it should consider awarding costs to the appellant.
- 4.15 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 24 months to the end of March 2023, shows the number of decisions overturned at appeal for major applications is 2.8% and 1.0% 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.
- 4.16 The percentage of appeals allowed during the period 1 January to 31 March 2024 is 55.5%. A total of nine appeal decisions were received. Three of these appeals were allowed, which included two Committee decisions which overturned the officer's recommendation, one of which awarded full costs against the Council. There were two appeals in relation to enforcement, one part allowed and one where the enforcement notice is quashed. Four appeals were dismissed. (See Appendix C).
- 4.17 Government stats for applications for prior approvals for permitted developments by local planning authorities are reported in Appendix D.
- 4.18 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 number of TPO applications received and performance against target time is reported in Appendix G.
- 4.19 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.
- 4.20 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.

- 4.21 Following the external ISO assessment in November 2023 the service has successfully retained its ISO 9001:2015 accreditation. The Assessor found that the management system demonstrated a well established system in line with the scope for ISO 9001:2015. No non-conformities or opportunities to improve were identified during the assessment. The next assessment is scheduled to take place in May 2024.
- 4.22 The Government has produced a draft Planning Performance Dashboard that brings together performance data for individual local planning authorities for speed of decision-making. The table provides data on the percentage of applications determined within statutory timeframes and the use of Extension of Time agreements. The data is for major, non-major and householder applications and will be updated every quarter. The first formal publication will be in June 2024. Medway is performing well when compared against other Kent planning authorities (see Appendix B, figure 4).
- 4.23 The Planning Service continues to work on the Open Digital Planning project. Configuration and testing continues on the 'Application' and 'Assessment' tools. These tools will allow residents to apply and pay for a lawful development certificate for householder development online via Medway Council's website, making the service more accessible. The 'Assessment' tool will make it easier for planning officers to see their workflow, status of applications, plans and constraints.
- 4.24 Back Office Planning System (BOPS) is creating a 21st century system for Councils to process planning applications. This is designed by and for officers to enable more efficient decision making and to open-up planning data. The aim is to develop a back-office system that is easy for planners to use, resulting in less time spent searching for information and having more time to use their planning expertise on higher value work. BOPS is currently under development and over the next three months the focus will be testing the feasibility and exploring the benefits of using BOPS compared to Uniform.

5. Advice and analysis

- 5.1 This report is submitted for information and enables Members to monitor performance.

6. Risk management

- 6.1 The risk register for the service rates the risk against service vulnerability, triggers, consequence or 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 Councils 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 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.
- 6.6 In negotiating Planning Performance Agreements, the Chief Planning Officer and Principal Planners 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 or cases of a specialist nature.

7. Consultation

- 7.1 The Government has opened a consultation on 'an accelerated planning system', which will last for 8 weeks and close on 1 May 2024. The consultation is seeking views on:
 - the introduction of a new accelerated planning service for major commercial applications with a decision time in 10 weeks and fee refunded if this is not met;
 - to change the use of extensions of time, including ending their use for householder applications and only allowing one extension of time for other developments, which links to a proposed new performance measure for local planning authority speed of decision-making against statutory time limits;
 - expand the current simplified written representations appeals process for householder and minor commercial appeals to more appeals; and
 - implement section 73B for applications to vary planning permissions and the treatment of overlapping permissions.

Medway Council will respond to the consultation.

- 7.2 The Council is holding a further period of consultation at Regulation 18 in Summer 2024. This will follow on from the consultation in Autumn 2023, which focused on refreshing the vision and strategic objectives for the Local Plan. Approximately 400 written responses were submitted to the

consultation. Officers are reviewing the comments to inform further work on the Plan.

- 7.3 Following consultation on the Chatham Centre Design Code the team continues engagement with Medway's children and young people sharing their ideas and illustrations on how to make a more child-friendly Chatham. Inputs from this engagement drives further rounds of refinement with the aim to seek adoption in June 2024. Medway's Design Code is being promoted by DLUHC as an exemplar code bringing national interest in the work the team has produced.
- 7.4 Medway has responded to recent DLUHC consultations on brownfield land and permitted development rights.
- 7.5 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 January to 31 March 2024 £1,494,983.31 has been received via S106 contributions and £100,279.96 has been received for Habitat Regulations Agreements. This makes a total of £1,595,263.27. The Infrastructure Funding Statement was published in December 2023, which covers the financial year 2021 to 2022. The IFS includes details of all Section 106 contributions received, expenditure of contributions and proposals for future infrastructure provision to be funded by Section 106 contributions.
- 7.6 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.
- 7.7 The annual forum with Major Developers is scheduled to take place on 10 June 2024 and will provide an update on the Local Plan and other important topics such as Biodiversity Net Gain (BNG).
- 7.8 An update of the Housing Delivery Test Action Plan (HDTAP) is scheduled to be submitted to Cabinet in June 2024 and will be published shortly after. As required, the HDTAP sets out the factors influencing house building in Medway and proposes measures within the control of the Council, to contribute to increasing the amount and speed of delivery of new housing. The 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.
- 7.9 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 85%, based on last year's HDT, Medway has to apply a buffer of 20% and produce an action plan. The Government has recently released the 2021/22 (5th) Housing Delivery Test figures which actually show

that delivery in Medway has improved yet again and that we are now at 79%, taking us out of the presumption in favour of sustainable development as it relates to the Housing Delivery Test. Members need to note that the presumption still applies due to the fact that we cannot demonstrate a 5 year housing land supply – to a large degree due to the 20% buffer.

7.10 The Authority Monitoring Report (AMR) was published in December 2023.

- In 2022/23, Medway Council granted 86 permissions for new sites, providing a total of 643 dwellings (page 69 of Vol 2 of the AMR).
- The pipeline shows that there are 7,911 permitted dwellings, with 2,061 under construction as at 31/3/2023. 7,583 dwellings are expected to be delivered within the next 15 years, and of these, 6,063 are expected to be delivered within the next 5 years (page 146 of Vol 2 of the AMR). The remaining 328 dwellings are not expected to be delivered within the next 15 years.
- For years 4-15 Medway have also allowed for 250 dwellings per year to come forward via windfalls.
- These pipeline numbers are summarised in a table on page 65 of Volume 2 of the AMR.
- 172 affordable dwellings (gross) were delivered during 2022/23, with 17 of these being the very first 'First Homes' delivered by the Homes England project to kickstart delivery. 18% of all gross completions were affordable. (This data is shown on page 37 of Vol 1 of the AMR).

Details of housing completions are detailed in Appendix E.

7.11 Recognising the important role that Small/Medium Enterprises (SME's) can play in helping Medway meet its housing needs, Medway facilitated the setting up of a North Kent SME Forum, 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. The Chief Planning Officers of Medway and other North Kent LPA's are invited to attend every other meeting.

7.12 The Council is arranging a referendum for the Arches Chatham Neighbourhood Plan in May 2024. The draft Hoo St Werburgh and Chattenden Neighbourhood Plan was published in February 2024 at Regulation 16 and the Council is now arranging for an examination of the draft plan. The Council is liaising with High Halstow Neighbourhood Planning group following the withdrawal of its plan from examination. Stoke Parish Council has contacted the Council with interest in preparing a Neighbourhood Plan for its parish.

8. Climate change implications

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

- 8.2 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.
- 8.3 Planning Officers are supporting the commissioning of a heat network study.
- 8.4 Considerations of climate change are being reflected in the draft local plan policies and development allocations.
- 8.5 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.
- 8.6 In February 2024, the International Organisation for Standardisation (ISO) announced amendments to Clauses 4.1 and 4.2 of the management system for ISO 9001:2015. The organisation now has to determine whether climate change is a relevant issue and whether relevant interested parties can have requirements related to climate change.

9. Financial implications

- 9.1 Development Management procedures are constantly being reviewed to reflect new ways of working.
- 9.2 Planning income during the period January to March 2024 is £377,315. Total income for the year 2023/24 is £1,027,254.50. This compares to a total income for the year 2022/23 of £1,075,818, 2021/22 of £1,555,439 and 2020/21 of £1,199,524. See Appendix A, Figure 5.
- 9.3 Fees and charges will increase on 1 April 2024. This includes the fees for PPA's, pre-application advice; administration charges and monitoring officer costs.
- 9.4 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.
- 9.5 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.

10. Legal implications

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

Lead officer contact

Dave Harris, Chief Planning Officer
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

DLUHC Live tables on planning applications statistics

<https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>

<https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants>

Appendix A : Applications

Figure 1 *Number of applications received and determined 2021/22 to March 2024*

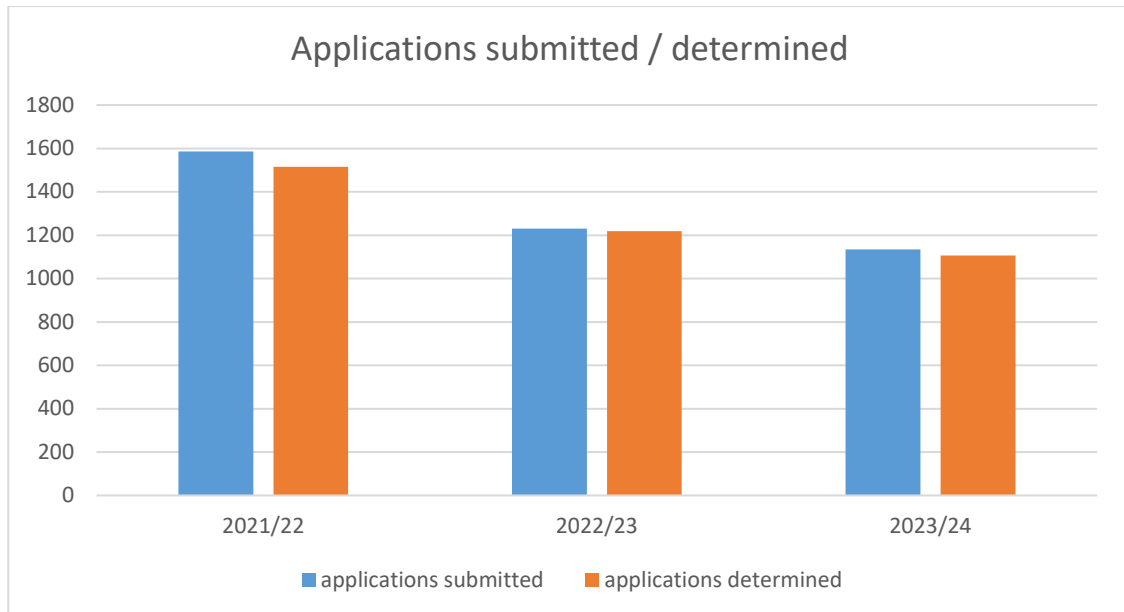


Figure 2 *Percentage of "Major" applications determined against performance target January 2023 to March 2024*

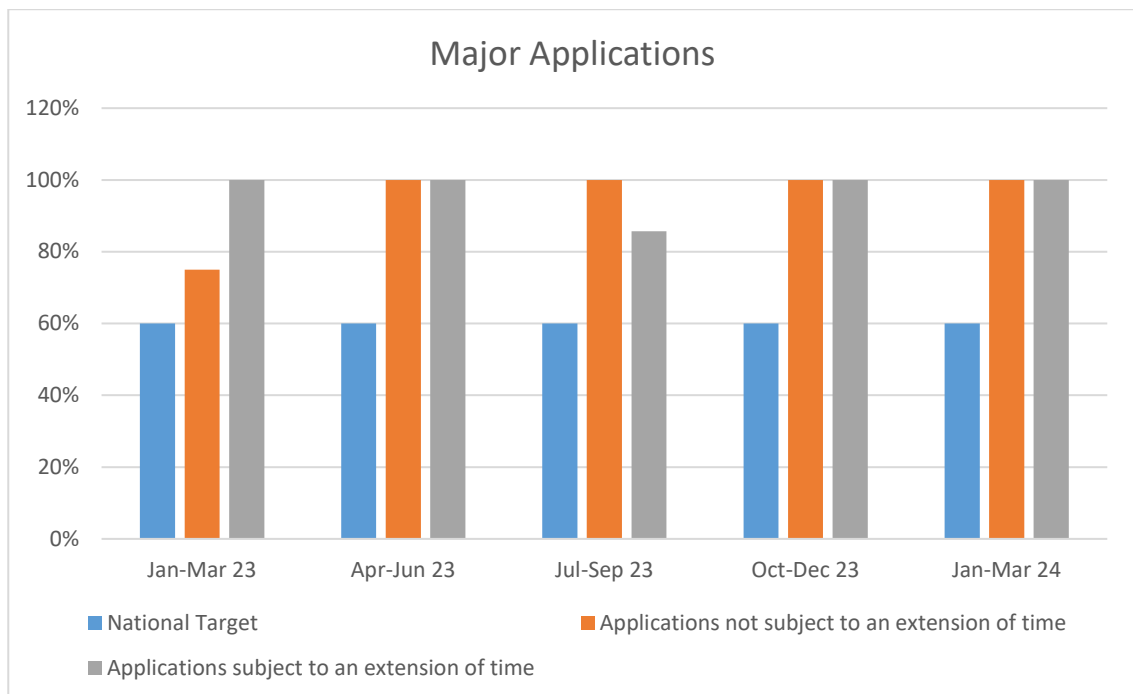


Figure 3 Percentage of “Minor” applications determined against performance target January 2023 to March 2024

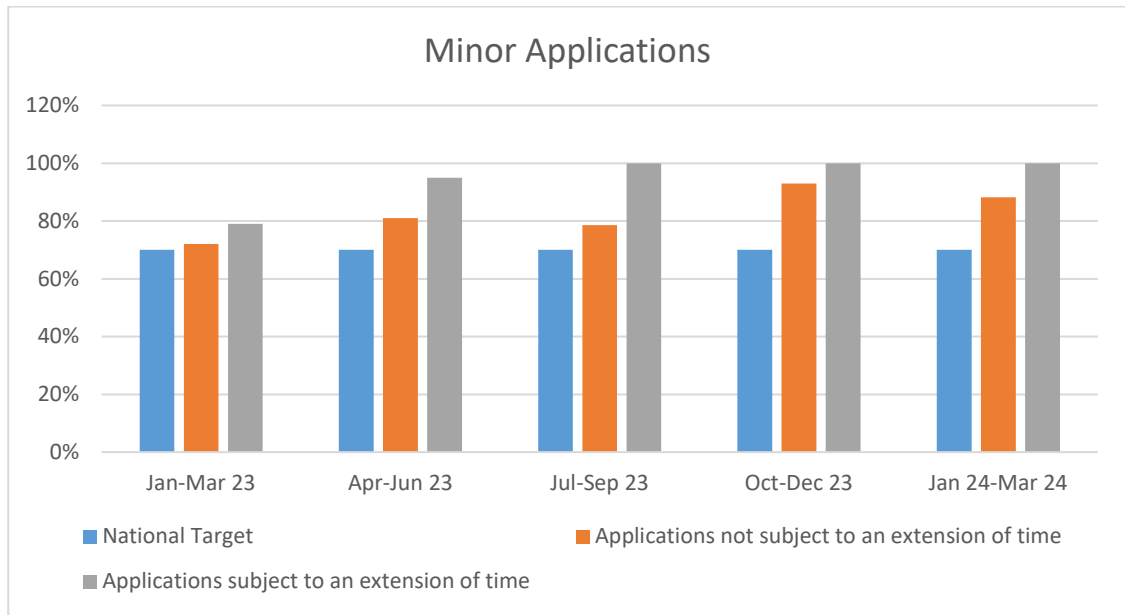


Figure 4 Percentage of “Other” applications determined against performance target January 2023 to March 2024

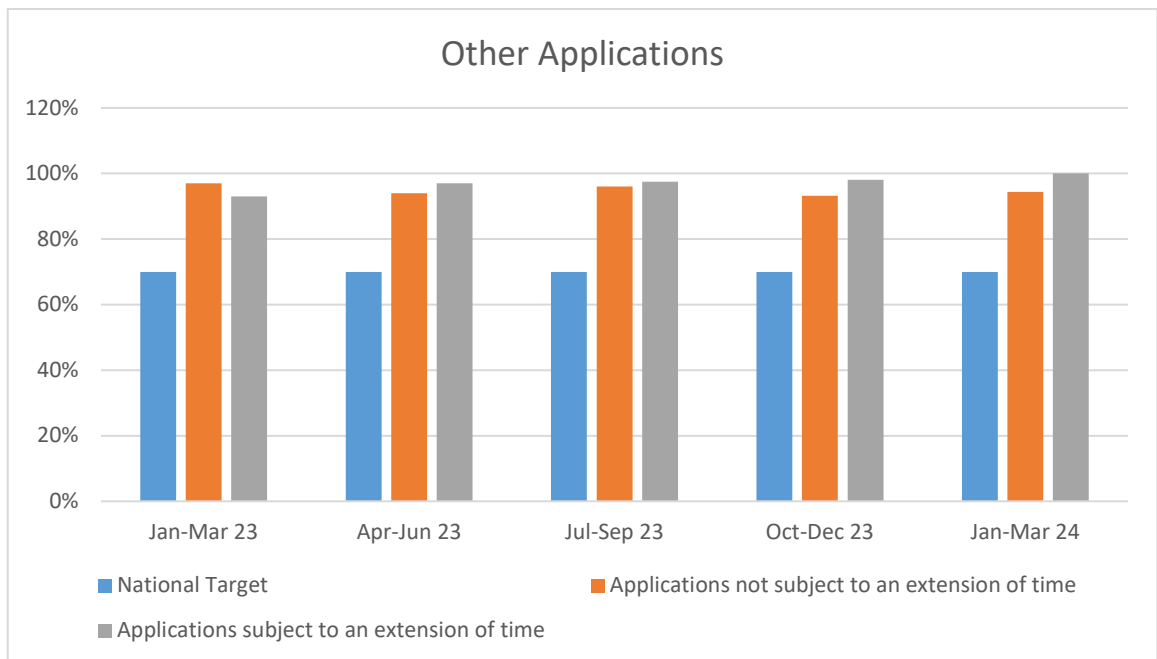
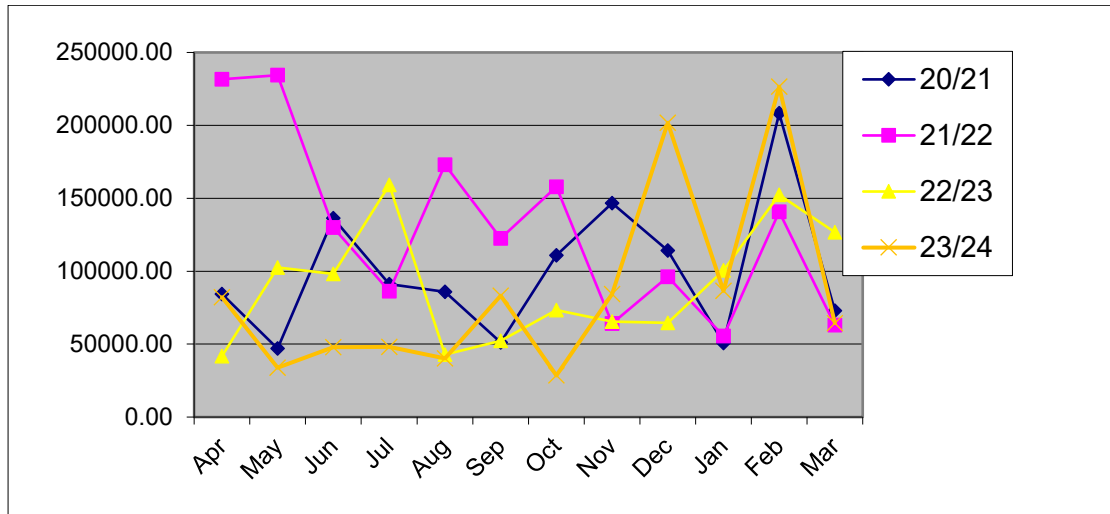


Figure 5 Planning application fees received for the year 2023/24, 2022/23, 2021/22 and 2020/21



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 for the period 1 October to 31 December 2023.

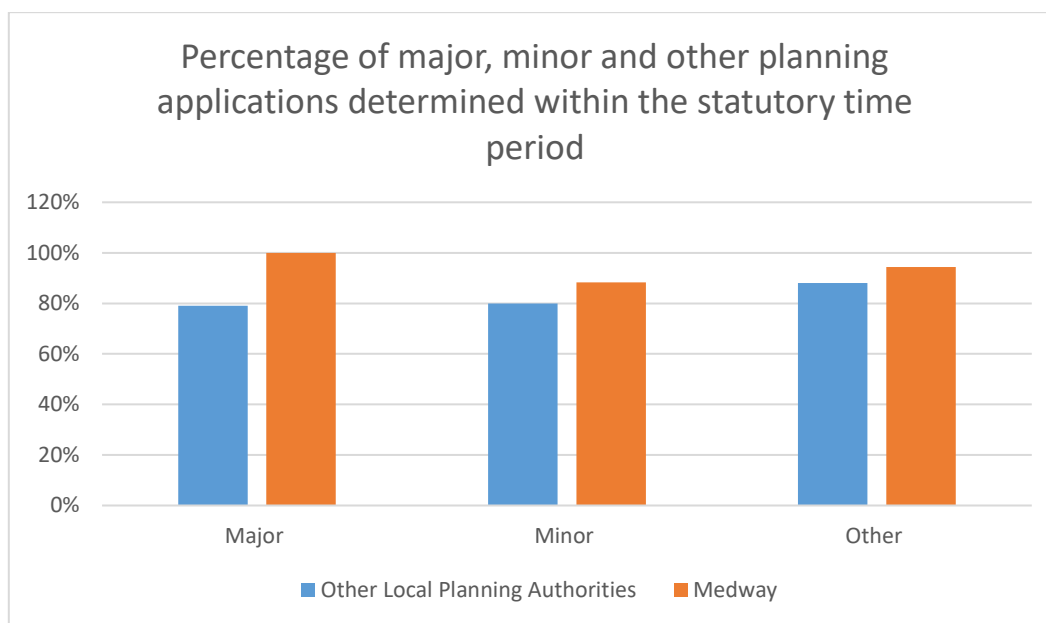


Figure 2 Applications within the agreed Planning Extension Agreement

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 for the period 1 October to 31 December 2023

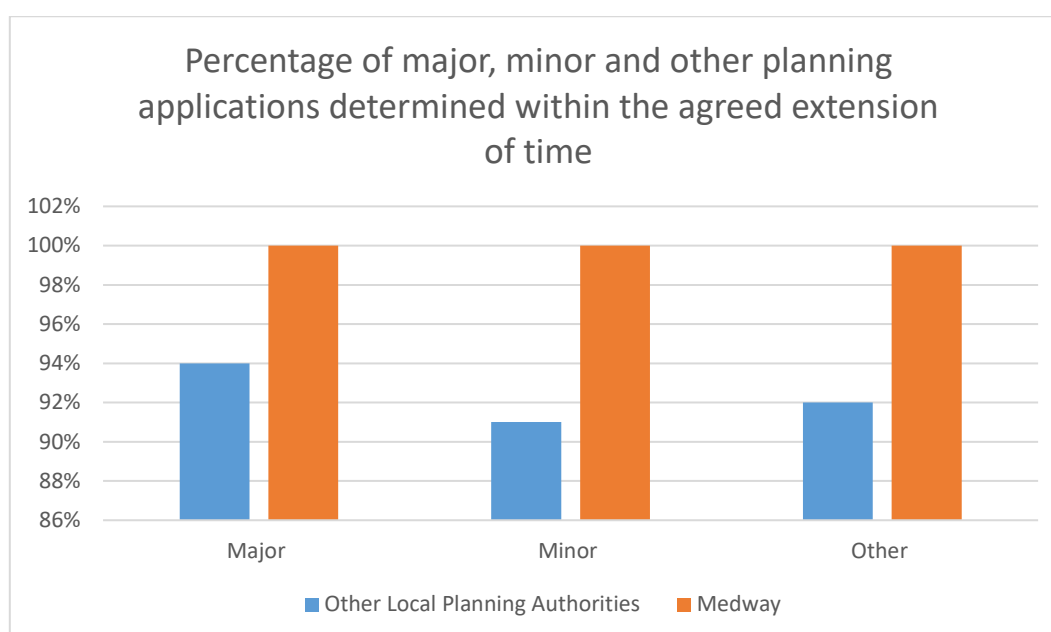


Figure 3 Total planning applications decided in time

Government produced statistics and league tables compares performance to the national average. The chart below compares performance with the latest data available for other local authorities for the total percentage of applications determined within the statutory timeframe and/or the agreed time for the period 1 October to 31 December 2023.

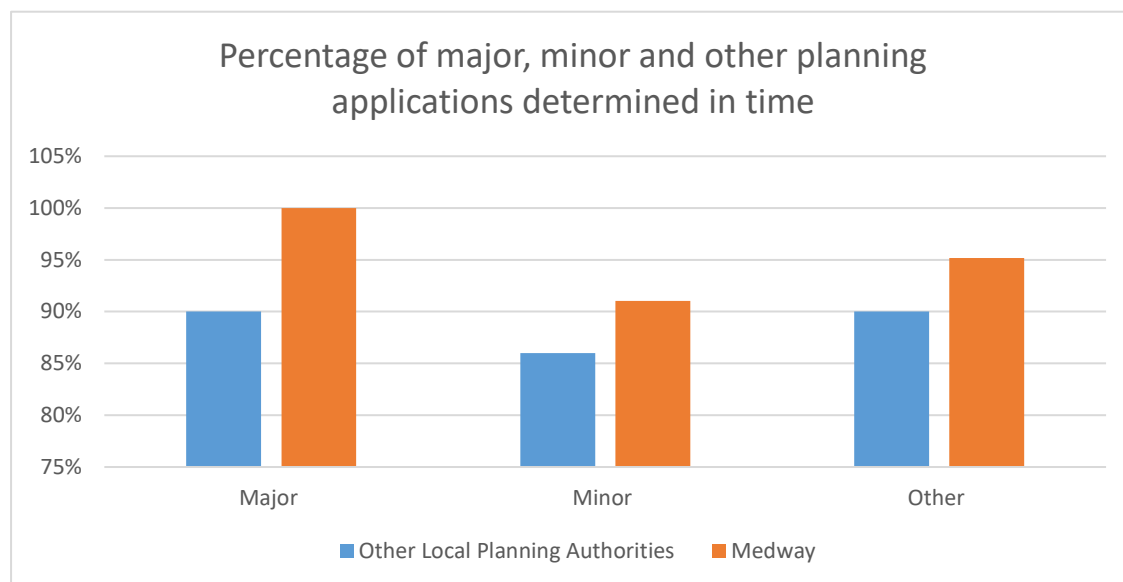


Figure 4 Medway performance compared with other Kent Planning Authorities

Local Planning Authority	Percentage of decisions granted	% with an Extension of Time	Major dev % decided within 13wks	Non-major devt % decided within 8 wks	Householder devt % decided within 8 wks
Medway	87%	21%	31%	52%	88%
Ashford	88%	53%	13%	23%	43%
Canterbury	91%	40%	18%	44%	56%
Dartford	79%	37%	29%	33%	63%
Dover	93%	41%	25%	37%	68%
Folkestone and Hythe	87%	37%	0%	41%	67%
Gravesham	66%	18%	31%	63%	83%
Maidstone	79%	26%	17%	59%	80%
Sevenoaks	82%	26%	17%	54%	78%
Swale	86%	47%	15%	29%	62%
Thanet	89%	36%	19%	35%	66%
Tonbridge and Malling	87%	29%	43%	49%	74%
Tunbridge Wells	94%	19%	66%	66%	87%

Appendix C : Appeals

Figure 1 Number of appeals decisions received from April 2023 to March 2024

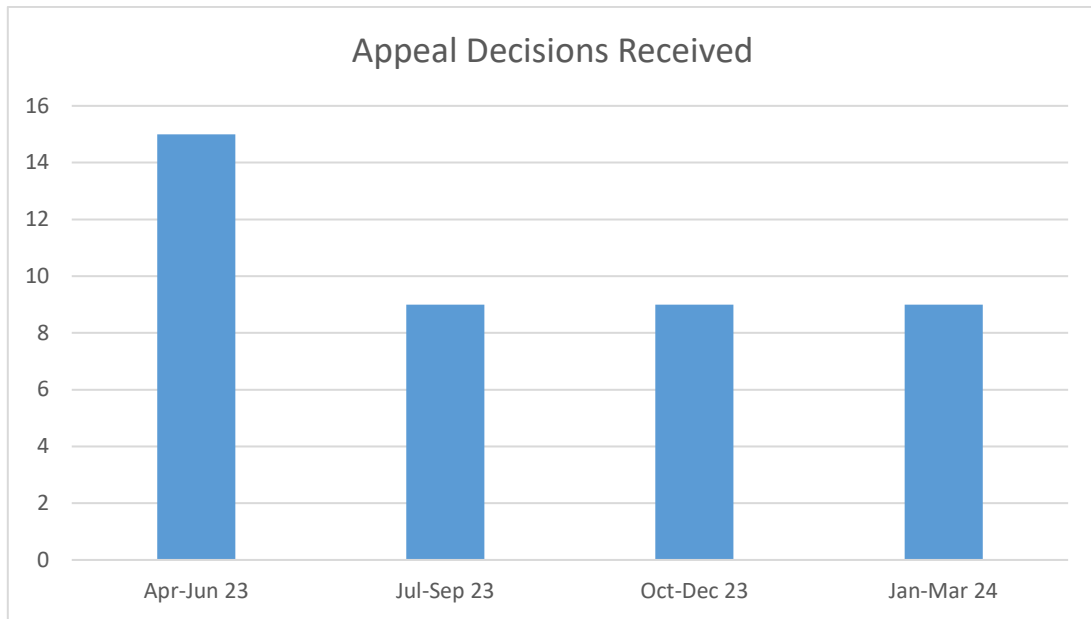


Figure 2 Number of Appeals allowed / dismissed April 2023 to March 2024

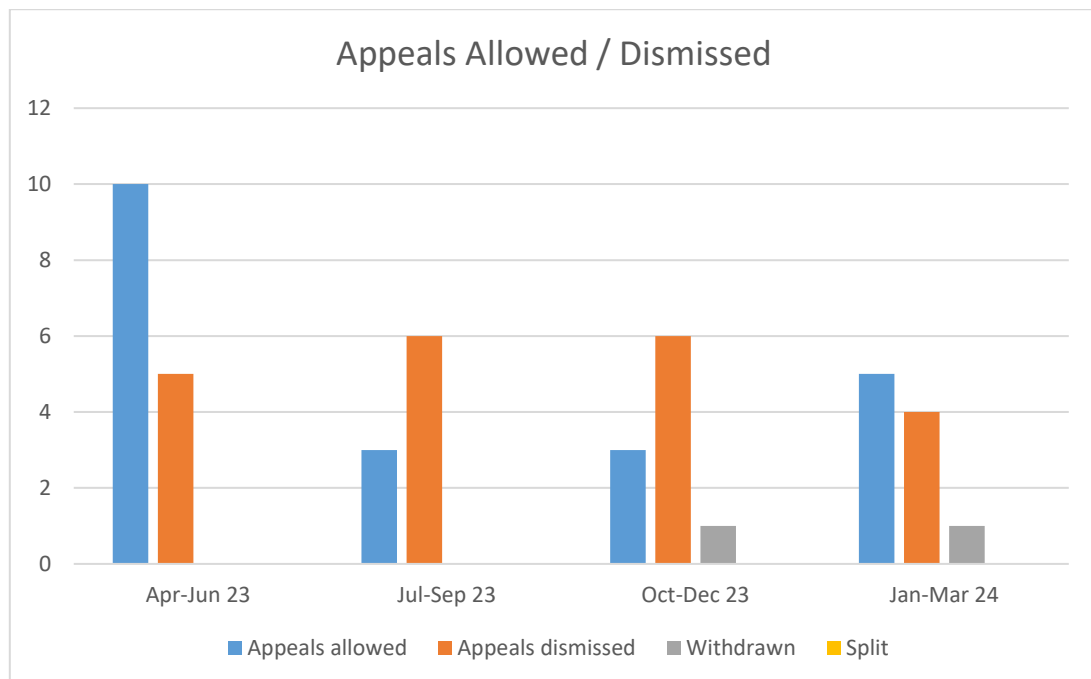
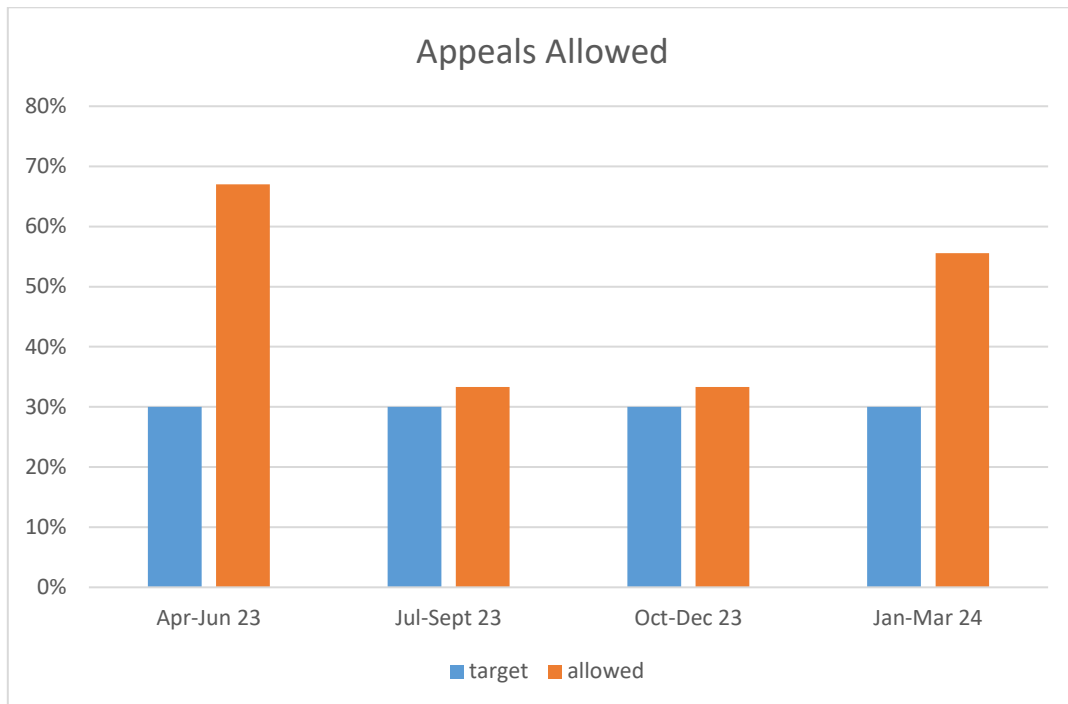
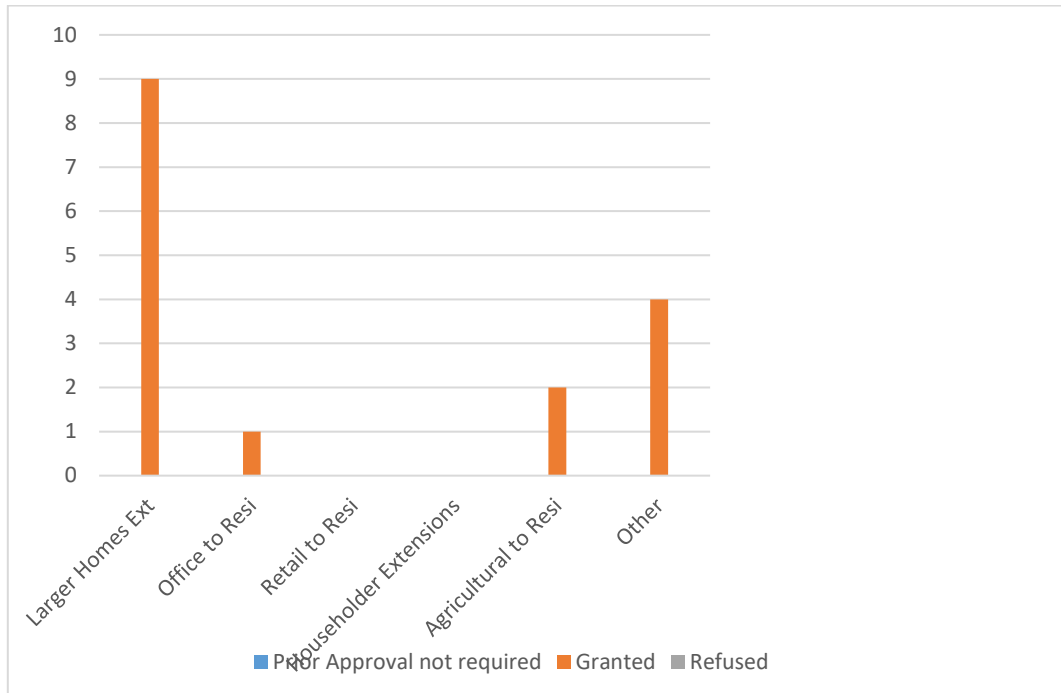


Figure 3 Percentage of appeals allowed against target of 30%
April 2023 to March 2024



Appendix D : Applications for Prior Approvals for Permitted Developments

Figure 1 Number of prior approvals for permitted developments for the period January 2024 to March 2024



Appendix E

Figure 1

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
2022	1752
2023	2,061

Figure 2

Number of units completed					
	Year 2018/19	Year 2019/20	Year 2020/21	Year 2021/22	Year 2022/23
Completions	647	1130	1082	1102	950
Requirement	1683	1662	1586	1675	1667
Surplus/Deficit	-1036	-532	-504	-573	-717

Figure 3

Housing completions comparison with other authorities in Kent

This data includes mobile and temporary dwellings (such as houseboats) so varies from the data published in the AMR

Authority	2018/19	2019/20	2020/21	2021/22	2022/23
Ashford	923	753	1,144	627	1,001
Canterbury	311	417	319	692	644
Dartford	960	487	553	540	738
Dover	374	370	411	625	543
Gravesham	302	174	250	421	419
Maidstone	1,215	1,424	1,446	1,627	1,064
Medway	657	1,142	1,087	1,103	958
Sevenoaks	299	477	260	267	261
Folkestone and Hythe	435	451	478	454	454
Swale	956	1,065	892	989	818
Thanet	352	427	596	548	617
Tonbridge and Malling	361	410	380	467	492
Tunbridge Wells	396	317	533	518	636

Appendix F : Enforcement

Figure 1 Number of enforcement notices served and prosecutions
April 2023 to March 2024

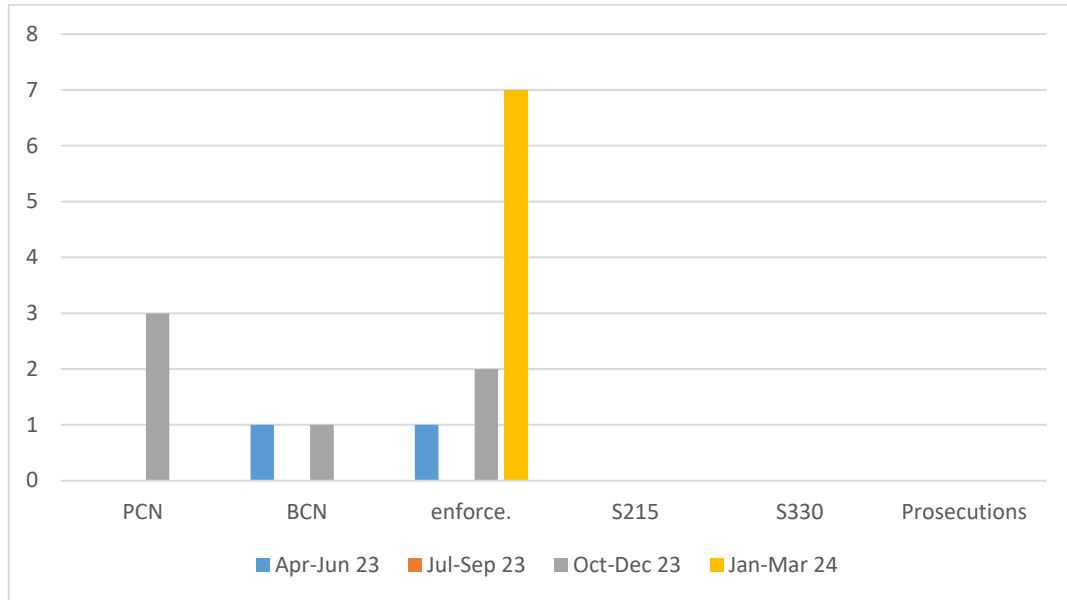
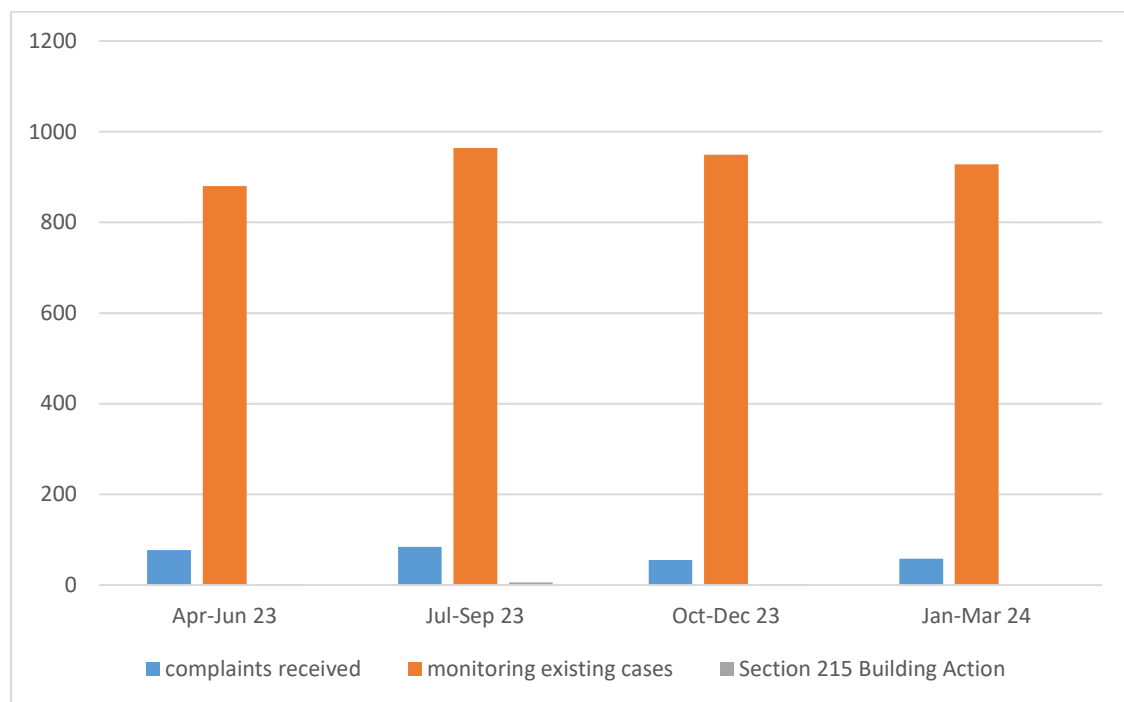


Figure 2 Number of enforcement related complaints and activities
April 2023 to March 2024



Appendix G : Tree Preservation Order Applications

Figure 1 TPO applications received from April 2023 to March 2024

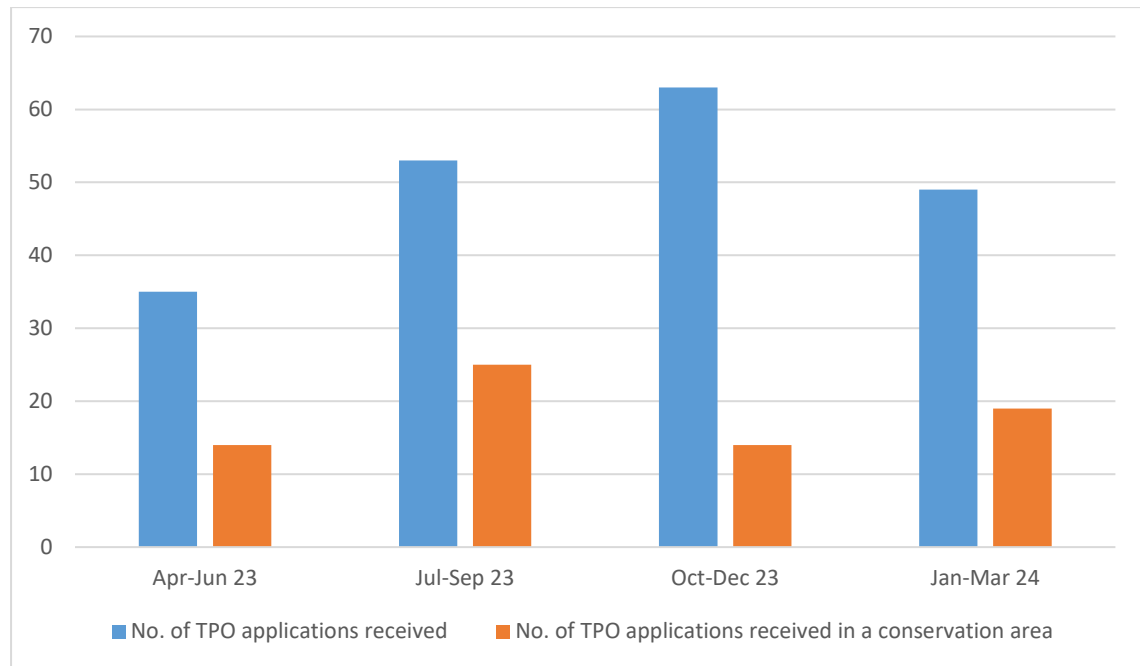


Figure 2 TPO applications determined from April 2023 to March 2024

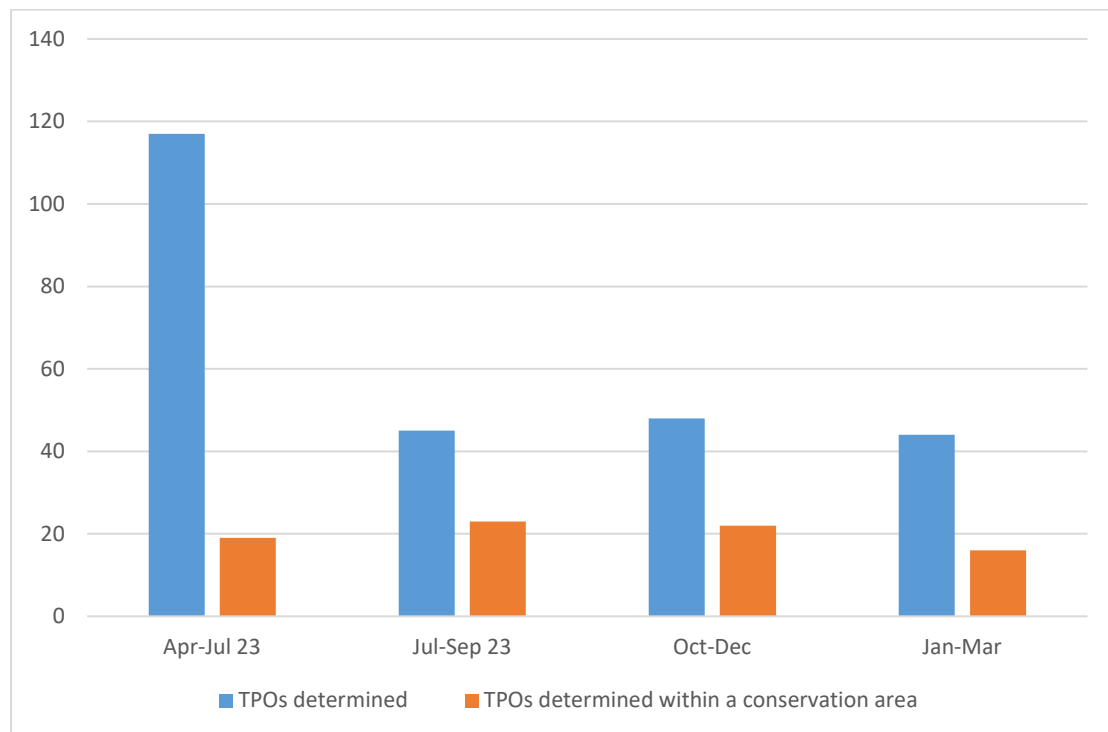
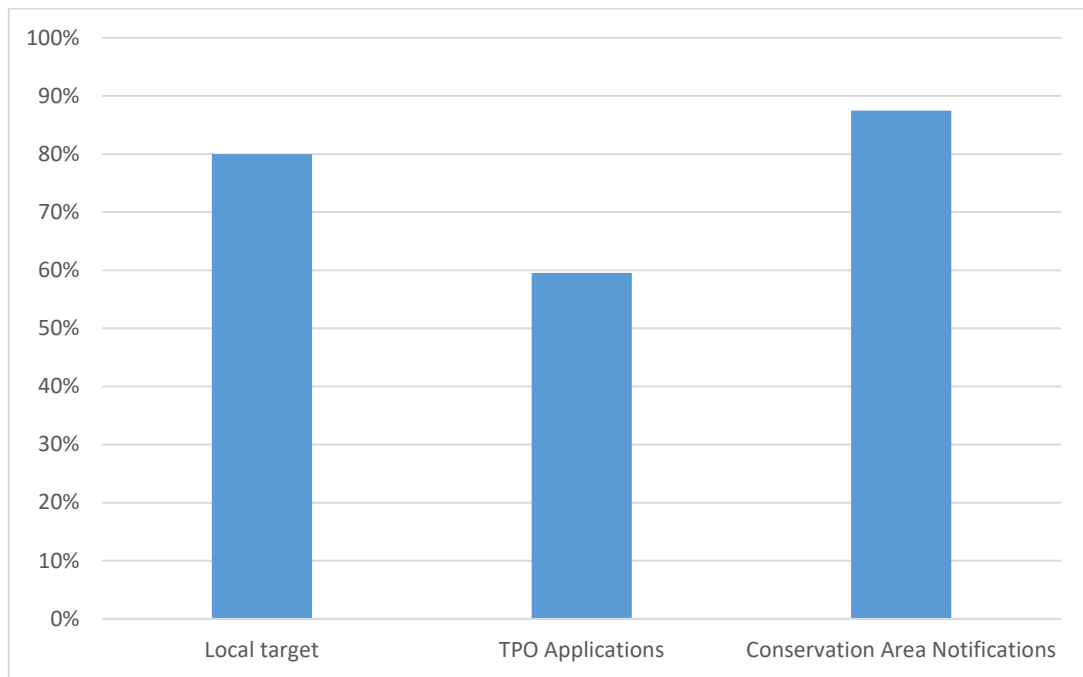
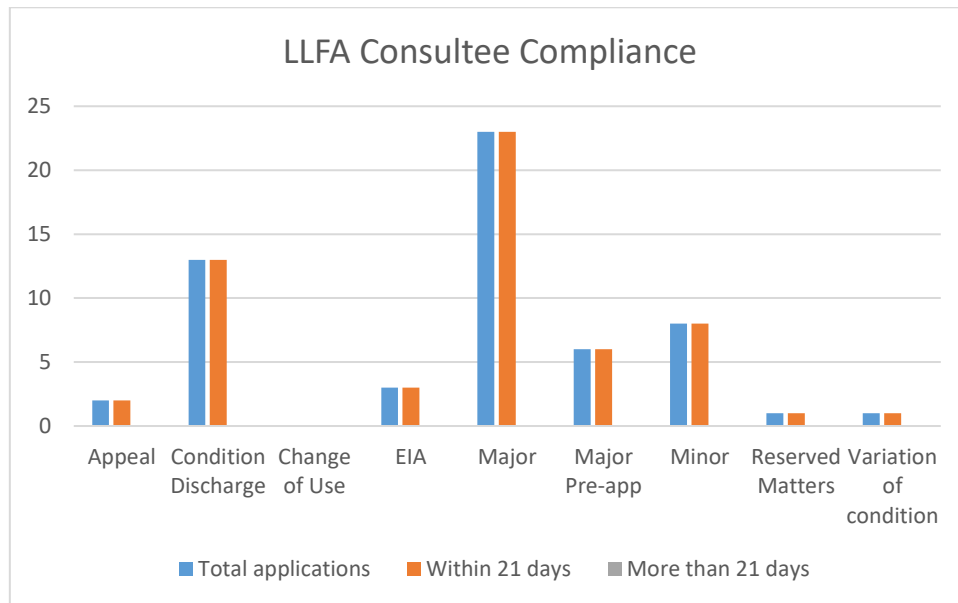


Figure 3 TPO and Conservation Area Notification applications determined within target time from January to March 2024



Appendix H : Lead Local Flood Authority Consultee Compliance

Statutory Consultee compliance results from 1 January to 31 March 2024



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.

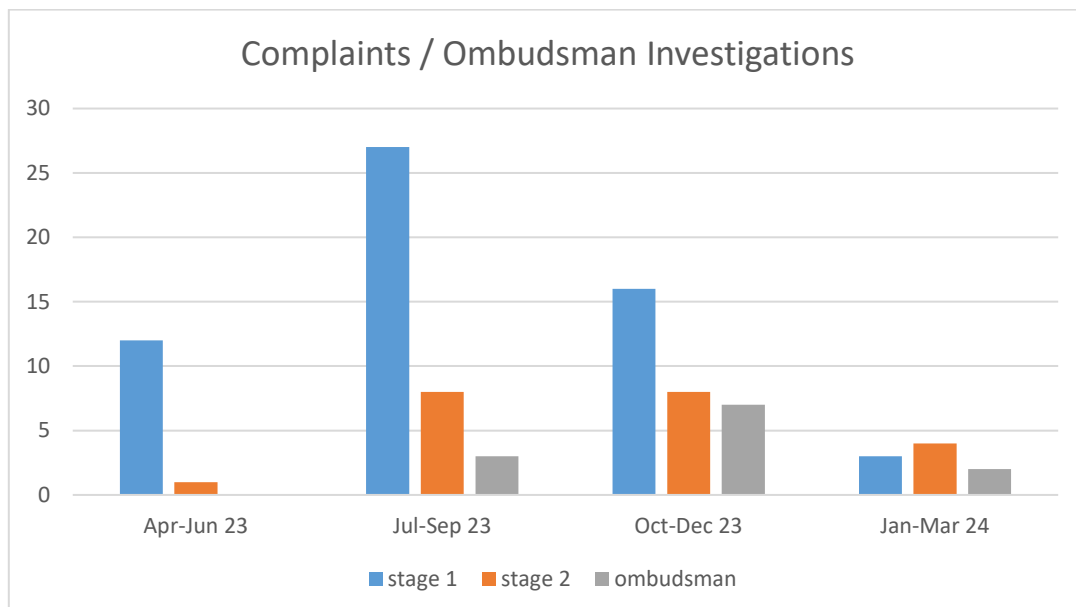
The corporate complaints procedure involves 2 stages :

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 Customer Relations 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 January to 31 March 2024, 7 complaints were responded to, 2 where service was not provided, 4 unhappy with the Council's decision and 1 where communication was not satisfactory.

Of the 7 complaints which were responded to, 57% were answered within the target time of 10 working days, 4 of which had been escalated to Stage 2. 6 complaints were dismissed where no fault was found, 1 was partially upheld and none were upheld.



Complaint Partially Upheld

- Lack of response as the officer has left the authority.

Ombudsman

There were two decisions issued by the Ombudsman:

- Had previously been considered.
- Will not investigate because a worthwhile outcome cannot be achieved.

Following consultation, the Local Government and Social Care Ombudsman launched The Complaint Handling Code in February 2024. Local Councils are encouraged to adopt the Code as soon as they are able to do so. The LGSCO intend to start considering the Code as part of its processes from April 2026. This gives local councils the opportunity to adopt the Code successfully into working practices. Medway have set up a Task and Finish group to implement the recommendations of the Code.

Compliments

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

- You have been fantastic on this application and site more widely and made a huge difference in helping to negotiate solutions which will finally bring this building back into use.
- It is great to work with you. Thank you for the assistance and feedback on the project.
- Thank you very much for all your support and hard work on this project. We really appreciate your help.
- I want to take this opportunity to thank you and your team for all the support and advice received during this application. I look forward to working with you and your team in the future.
- A huge thank you for getting this done for us. I appreciate how busy you all are but we really are so thankful that this has been done for us.
- Thank you for the call and the discussion. Everything made easy in the space of a short dialogue. Keep up the good work.