

Eden District Council

Council

30 July 2020

Planning Performance

Portfolio:	Eden Development
Report from:	Assistant Director Planning and Economic Development
Wards:	All Wards
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 To provide Members with an overview of the performance of the Planning Service between April 2019 and March 2020 in relation to Key Performance Indicators and Planning Enforcement.

2 Recommendation

- 2.1 That the contents of the report be noted.

3 Report Details

- 3.1 Local Planning Authorities are provided with statutory time limits to determine planning applications within a set period of time. These time limits are a way to evaluate a local planning authority's performance and can lead to a Council losing its power to determine planning applications within its jurisdiction if too many applications are determined outside these statutory time limits. The time limits are known as determination periods and are set at 13 weeks for Major Planning applications and 8 weeks for other planning applications.

Major Applications (13 week determination period)

- 3.2 Applications for major development typically include:
- Residential Development of more than 10 dwellings;
 - Creation of more than 1000m² of non-residential floor space.
- 3.3 The national target for determining applications for major development is 60%.
- 3.4 The tables below provide performance data for 2019/20. In order to enable a comparison, information is also included for 2018/19 and 2017/18.

Table 1. Performance for Major Development

Year	Q1	Q2	Q3	Q4	Total
2019/20	100% (5/5)	100% (9/9)	100% (3/3)	100% (5/5)	100% (22/22)
2018/19	100% (7/7)	100% (7/7)	100% (5/5)	100% (6/6)	100% (25/25)
2017/18	100% (9/9)	100% (11/11)	100% (7/7)	100% (7/7)	100% (34/34)

Minor Applications (8 week determination period)

3.5 Applications for minor development typically include:

- Residential Development of less than 10 dwellings;
- Creation of less than 1000m² of non-residential floor space;

3.6 The national target for determining applications for minor development is 70%.

Table 2. Performance for Minor Development

Year	Q1	Q2	Q3	Q4	Total
2019/20	98% (51/52)	93.3% (56/60)	100% (43/43)	87.3% (55/63)	94% (205/218)
2018/19	89% (73/82)	89% (65/73)	84.7% (50/59)	92.8% (52/56)	88.8% (240/270)
2017/18	94.8% (74/78)	95.6% (66/69)	96% (94/98)	90.1% (55/61)	94.4% (289/306)

Other Applications (various determination periods)

3.7 Applications for 'other' development typically include:

- Listed Building Consent;
- Householder applications;
- Prior Notifications; and
- Advertisement Consent.

3.8 The national target for determining applications for 'other' development is 70%.

3.9 Applications for non-material minor amendments and to discharge planning conditions, agricultural notifications and certificates of lawful development do not count towards performance figures.

Table 3. Performance on Other Applications

Year	Q1	Q2	Q3	Q4	Total
2019/20	97% (89/91)	98% (99/101)	98.6% (72/73)	93% (85/91)	96.9% (345/356)
2018/19	87.5% (84/96)	90.4% (85/94)	97.1% (68/70)	90.9% (60/66)	91.1% (297/326)
2017/18	100% (83/83)	97% (100/103)	99% (76/77)	93.2% (69/74)	97.3% (328/337)

- 3.10 Overall, these figures show that for the last municipal year April 2019 to March 2020 the department has performed well in excess of the targets set by National Government for the determination of 'Major', 'Minor' and 'Other' applications in each quarter of the year. In all aspects, the Council's performance on the determination of planning applications has been high performing and well in excess of the national targets.
- 3.11 It remains important for the Council to meet the targets set by National Government to avoid having the power to determine applications removed, and being put into 'special measures'. Due to the high level of performance, the Planning Service is currently not at risk of such designation.
- 3.12 When a Council is placed under special measures applicants can opt to apply to the Planning Inspectorate rather than the Council. This could lead to a substantial loss in income as planning application fees in such circumstances for applications dealt with by the Planning Inspectorate would go to the Planning Inspectorate instead.
- 3.13 A high performing Planning Service is a significant benefit to the local economy and makes the area an attractive location for developers and businesses. At the initial outbreak of the Covid19 pandemic, developers and agents were keen to learn if the Planning Service was still functional as they highlighted that it was key to their business survival. Reassurances were provided that although some changes were being made to the planning application process that the service would continue with very little interruption. Through significant efforts by staff, the service very quickly got in to a successful routine of handling applications remotely.
- 3.14 The Council is still in the process of developing new software which will enable the department to move towards a digital planning service. This is likely to be delivered in 2021. This new system will enable planning applications to be processed by the Council more efficiently when in place.

Delegation

- 3.15 Between April 2019 and March 2020 a total of 91.8% of planning applications were determined by delegated powers (547 out of 596 applications). There is no longer a Performance Indicator for the level of delegation. Previously there was a national target that 90% or more of

applications should be by way of delegated decision. This target was imposed to encourage applications to be determined efficiently and quickly where appropriate.

- 3.16 Throughout the year, 49 applications were determined by Planning Committee. This figure is lower than in previous years, predominantly due to changes made to the Council's Constitution in May 2019 which has resulted in less items requiring determination by the Planning Committee.
- 3.17 This level of delegation does impact upon performance figures because with the 'lead-in' time for reports to be prepared for Planning Committee it is inevitable that applications considered by Committee will be outside the 8 and 13 week target.

Pre-application Advice

- 3.18 The Council has continued to deal with pre-application enquiries pending the review of the charging scheme in the future. The total income generated from this service, compared to previous years is as follows:
- 2019/2020 - £28,950 of income generated from 196 requests;
 - 2018/2019 - £20,646 of income generated from 190 requests;
 - 2017/2018 - £20,652 of income generated from 195 requests;
- 3.19 If the Planning Department can maintain an appropriate pre-application enquiry service, then this will provide additional income to the Council as well as providing residents and developers with a service that:
- prevents applications being submitted which are likely to be refused;
 - ensures all information required to support an application is submitted at the beginning of an application and thereby allows planners to make decisions more quickly;
 - enables applicants to receive advice from not only planners but other internal consultees within the Council;
 - provides expert advice at a rate that can be more economically advantageous than private planning consultants may charge; and
 - Helps applicants to understand how planning policies and other requirements will affect proposals.

Appeals

- 3.20 A total of 15 planning appeals were decided by the Planning Inspectorate in the course of the 2019/20 accounting period against decisions made by the Council. A total of 14 of the appeals were dismissed (i.e. the Council's decision upheld as correct) and one was allowed.
- 3.21 In relation to the one appeal that was allowed, the Council is of the opinion that this represented an anomaly by the Planning Inspectorate with the decision being directly contrary to many of the 14 previous appeals that had been dismissed. As such, the Planning Service considers that this was an incorrect decision however, this was not challenged through the submission of a Judicial Review.

Enforcement

- 3.22 Taking planning enforcement action is discretionary in most instances however the Council has a duty to investigate reports of breaches of planning control. This enforcement work is predominantly undertaken by a Planning Officer with responsibility for enforcement work and by an Enforcement Officer, both on a part-time basis.
- 3.23 In June 2018, the Council adopted a Local Enforcement Plan. This plan aims to optimise the Planning Enforcement Service to ensure that enforcement is carried out in a robust and efficient manner. It sets out the main service areas and explains how the Council carries out its planning enforcement activities.
- 3.24 In the 2019/20 period the number of enforcement investigations commenced by the Department was a total of 126. In the same period, 102 enforcement files were processed and closed by the Department.
- 3.25 When appropriate, the Council continues to use its planning enforcement powers more widely on sites where breaches have caused immediate harm or where there has been long standing breaches of planning control despite legal notices having been served. In the 2019/20 period the following notices were served:
- 0 Breach of condition notices;
 - 1 Enforcement Notices;
 - 0 Listed building enforcement notice;
 - 2 Hedgerow replacement notices;
 - 0 Section 215 notice related to untidy land; and
 - 4 Planning Contravention Notices.
 - 1 County Court Warrant Executed.
- 3.26 As a direct result of planning enforcement investigations, the Council has received 33 retrospective planning applications in the 2019/20 period. This has resulted in a fee income generation of £10,410. This figure would be higher but Listed Building applications do not attract a planning fee.

4 Policy Framework

- 4.1 The Council has four corporate priorities which are:
- Sustainable;
 - Healthy, safe and secure;
 - Connected;
 - Creative.
- 4.2 This report meets the 'Sustainable' and 'Healthy, safe and secure' corporate priorities.

5 Consultation

- 5.1 No consultation has been carried out with any relevant stakeholders in respect of the contents of this report.

6 Implications

6.1 Financial and Resources

- 6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2019-2023 as agreed at Council on 7 November 2019.
- 6.1.2 There are no proposals in this report that would reduce or increase resources.

6.2 Legal

- 6.2.1 There are no legal implications arising from this report.

6.3 Human Resources

- 6.3.1 There are no human resources implications arising from this report.

6.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	There are no equality and diversity implications from this report.
Health, Social Environmental and Economic Impact	The proposals within this report do not have any Health, Social Environmental or Economic implications. However, the report reinforces that an effective Planning Service has significant benefits to an area's health, social environment and local economy.
Crime and Disorder	There are no crime and disorder implications.
Children and Safeguarding	There are no implications that apply to children.

6.5 Risk Management

Risk	Consequence	Controls Required
That the Council fails to meet its national targets for planning performance.	The service goes into special measures.	Sound management and a properly resourced team.

7 Other Options Considered

- 7.1 There are no other recommended options.

8 Reasons for the Decision/Recommendation

- 8.1 To inform Members of key aspects of the work of the Council's planning function and highlight performance of the service.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	
Monitoring Officer (or Deputy)	
Relevant Director	
Relevant Assistant Director	22.04.2020

Background Papers: None

Appendices: None

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