

Eden District Council

**Annual Meeting
10 May 2018**

**Planning Committee
17 May 2018**

Planning Performance

Portfolio:	Eden Development
Report from:	Deputy Director Technical Services
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 2017 and March 2018 in relation to Key Performance Indicators, Planning Enforcement, future projects, the Emerging Local Plan, Penrith Vision and Building Control.

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, although not binding, 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 current national target for determining applications for major development is 60%.
- 3.4 The tables below provide performance data for 2017/18. In order to enable a comparison, information is also included for 2016/17 and, 2014/15. No data was compiled for 2015/16 due to a lack of resources within the Planning Services Team.

2017/18 Performance

Major Development				
Q1	Q2	Q3	Q4	Year
100%	100%	100%	100%	100%
(9/9)	(11/11)	(7/7)	(7/7)	(34/34)

2016/17 Performance

Major Development				
Q1	Q2	Q3	Q4	Year
60%	56%	50%	80%	61%
(3 from 5)	(5 from 9)	(2 from 4)	(4 from 5)	(14 from 23)

2014/15 Performance

Major Development				
Q1	Q2	Q3	Q4	Year
0%	57%	0%	100%	53%
(0 from 2)	(4 from 7)	(0 from 1)	(3 from 3)	(7 from 13)

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;

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

2017/18 Performance

Minor Development				
Q1	Q2	Q3	Q4	Year
94.8%	95.6%	96%	90.1%	94.4%
(74/78)	(66/69)	(94/98)	(55/61)	(289/306)

~~2016/17 Performance~~

2016/17 Performance

Minor Development				
Q1	Q2	Q3	Q4	Year
59% (36 from 61)	81% (66 from 80)	82% (62 from 76)	96% (52 from 54)	81% (219 from 271)

2014/15 Performance

Minor Development				
Q1	Q2	Q3	Q4	Year
60% (30 from 55)	65% (61 from 94)	83% (44 from 53)	55% (38 from 69)	64% (173 from 271)

Other

Applications (various determination periods)

3.6 Applications for 'other' development typically include:

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

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

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

2017/18 Performance

Other Development				
Q1	Q2	Q3	Q4	Year
100% (83/83)	97% (100/103)	99% (76/77)	93.2% (69/74)	97.3% (328/337)

2016/17 Performance

Other Development				
Q1	Q2	Q3	Q4	Year
68% (63 from 92)	84% (78 from 93)	92% (89 from 97)	96% (81 from 84)	85% (311 from 366)

2014/15 Performance

Other Development				
Q1	Q2	Q3	Q4	Year
89.5% (94 from 105)	86% (87 from 101)	86% (86 from 100)	75% (47 from 63)	85% (314 from 369)

- 3.8 Overall, these figures show that for the last municipal year April 2017 to March 2018 the department has performed well in excess of the targets set by National Government for 'Major' and 'Minor' applications in each quarter of the year. The performance also demonstrates a marked improvement to performance from the previous recording periods.
- 3.9 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'.
- 3.10 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.

Delegation

- 3.11 Between April 2017 and March 2018 89.2% of planning applications were determined by delegated powers (605 out of 678 applications).
- 3.12 Throughout the year 73 applications were determined by Planning Committee. This figure includes most major development applications and also all other applications which receive a request for the application to be considered by Planning Committee. 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.
- 3.13 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.

Comparison of Performance with other Authorities

- 3.14 A useful indication of the performance of the Council measured in terms of speed of decision can be made by a comparison with the Council's neighbours and also with authorities of a similar nature. This is given in the following tables:

Table 1: Cumbria Authorities: applications determined January to December 2017.

	Major applications % determined within 13 weeks of total number of decisions	Minor applications % determined within 8 weeks of total number of decisions	Other applications % determined within 8 weeks of total number of decisions
Allerdale	99.5%	95.2%	94.5%
Barrow	69%	60.7%	73%
Carlisle	88.2%	92.7%	96%
Copeland	93.2%	94.5%	96.2%
Eden	79%	88.2%	92.5%
South Lakeland	79.5%	78.7%	90.7%
Average	84.7%	85%	90.4%

Table 2: Performance comparison with ‘Chartered Institute of Public Finance and Accountancy (CIPFA) Family Group’ members: applications determined January to December 2017.

	Major applications % determined within 13 weeks of total number of decisions	Minor applications % determined within 8 weeks of total number of decisions	Other applications % determined within 8 weeks of total number of decisions
Eden	79%	88.2%	92.5%
Pendle	90.2%	79%	87.5%
Ribble Valley	97.2%	90.5%	89.5%
South Ribble	86.7%	93.5%	97.2%
Ryedale	95.7%	74.2%	86.2%
West Lancashire	91%	89.7%	91.2%
Wyre	98.5%	95%	97%
Average	91.1%	87.1%	91.5%

- 3.15 The above tables show that throughout the calendar year of 2017 the Council was determining applications in the middle range of its neighbouring authorities and far higher than the national targets. When recorded against other local authorities within its CIPFA family group, Eden District Council was below average for major applications and above average for minor applications.
- 3.16 The Council is 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 early 2019. This new system will enable planning applications to be processed by the Council more efficiently when in place.
- 3.17 Over the next 24 months the team is aspiring to be one of the best performing local planning authorities in both Cumbria and within its CIPFA family. The performance demonstrated throughout the 2017/18 period represents a marked improvement on past years and reflects the high level of performance and commitment to this by all officers within the Planning Department.

Pre-application Advice

- 3.18 The Council has continued to deal with pre-application enquiries pending the implementation of a new charging scheme later this year. The total income generated from this service, compared to previous years is as follows:
- 2017/2018 - £20,652 of income generated from 195 requests;
 - 2016/2017 - £21,040 of income generated from 207 requests;
 - 2014/2015 - £17,406 of income generated from 165 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 is much cheaper than private planning consultants would charge; and
 - Helps applicants to understand how planning policies and other requirements will affect proposals.

Appeals

- 3.20 A total of 10 planning appeals were decided in the course of last year. Four of the appeals were dismissed and six were allowed.
- 3.21 Of note, is that of the 6 appeals allowed, four related to decisions made by the Planning Committee contrary to officer recommendation.

Enforcement

- 3.22 Taking planning enforcement action is discretionary in most instances but the Council has a duty to investigate reports of breaches of planning control.

- 3.23 The Council is in the process of adopting a new Local Enforcement Plan. A period of public consultation was undertaken earlier this year, which expired on 18 April 2018. The intention is seek approval of the finalised policy at Executive at its June 2018 meeting. This draft policy aims to get the best out of the Planning Enforcement Service to ensure that enforcement is carried out in a more 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 2017-2018 the number of enforcement investigations commenced by the Department was a total of 136. This represents an increase/decrease of 10 from the 2016-2017 period in which 146 investigations commenced.
- 3.25 This enforcement work is undertaken by a Planning Officer with responsibility for enforcement work and by a Planning and Enforcement Support Officer, both on a part-time basis. The other Planning Officers also have responsibility for Enforcement within their job description.
- 3.26 Planning Officers continue to be tasked with both successfully closing down outstanding historic enforcement files. In 2017/18 153 enforcement files were processed and closed.
- 3.27 When appropriate the Council continued 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 2017/18 period the following notices were served:
- 4 Breach of condition notices;
 - 1 Enforcement Notice;
 - 2 Listed building enforcement notices;
 - 1 Hedgerow replacement notice;
 - 1 Section 215 notice related to untidy land; and
 - 13 planning Contravention Notices.

Special Measures

- 3.28 On 16 March 2018, the Council was written to by Ministry of Housing, Communities and Local Government (MHCLG) advising that the Council was at risk of 'Special Measures' designation. This relates to the Council's loss of 7 appeals against the refusal of solar array planning applications in 2015/16.
- 3.29 The Council has responded to MHCLG on the 06 April 2018 providing the case by which it is considered that the Council should not be designated in 'Special Measures'. At the date of writing this report, the Council is still awaiting a final response from MHCLG on this matter.

Local Plan

- 3.30 The Planning Policy team had undergone significant changes during the latter part of 2016 and now has a Planning Policy Manager, a Senior Policy officer and Planning Policy Officer taking up posts at the beginning of 2017. During this transition period a package of work was let to local consultants in order to progress the local plan.

- 3.31 Following the public inquiry in May 2016, public examination Hearing sessions were held in September 2016 and May 2017 by the Inspector. Following the submission of the Council's consultation statement to the Inspector, a series of proposed 'Main Modifications' were then made to the plan. This was the subject of a further consultation in July 2017, which again following the submission of the Council's consultation statement to the Inspector. This resulted in five further Main modifications being made. These were the subject of a further consultation process between the beginning of December 2017 and the end of January 2018.
- 3.32 The subsequent consultation statement was submitted to the Inspector at the beginning of February 2017, meeting a previously agreed slot in the Inspectors timescale. The Inspector appears satisfied that the plan is now sound and has formally closed the hearing sessions, with a view to preparing his final report. The Council is awaiting the formal response of Inspector. The final stages of the Local Plan the inspector will write his report;
- The inspectors report will be scrutinised by the Planning Inspectorate;
 - The draft report will be provided to the Council for a 'Fact Check'.
 - following confirmation of the 'fact check', a final report will be issued by the Planning Inspectorate to the Council; and
 - Council will consider a report setting out a recommendation that the Local Plan be formally adopted.is prepared to the Council for formal adoption.
- 3.33 Members will be aware that since November 2017 the majority of the emerging local plan was confirmed to be sound by the inspector and could therefore be attributed substantial weight in decision-making and has been used as such in reports to planning committee. As the inspector has now closed the Hearing sessions and is preparing his report we are now in the final stages moving to adoption and as such, the Local Plan overall can now be attributed 'substantial weight' in decision making, in accordance with the advice of paragraph 216 of the National Planning Policy Framework.

Brown Field Land Register

- 3.34 The Town and Country Planning (Brownfield Land Register) Regulations 2017 came into force on 16 April 2017 and required each Local Planning Authority to prepare, maintain and publish a register of Previously Developed Land which is suitable for residential development. Each Local Planning Authority was required to publish its register by 31 December 2017.
- 3.35 The register is in two parts, with part one including sites which may be suitable for residential development. The register was completed within the required timescale.
- 3.36 Part two of the register does not have a mandatory timeline and reviews the sites in the same way that one would consider an outline planning application and can grant 'permission in principle'. This stage will require significant resources and has not yet been considered within the policy work programme.

Penrith Vision – Strategic Masterplan

3.37 A discussion paper entitled vision and opportunities for Eden to 2050 was published in April 2017 and focused on the unlocking of Penrith's economic potential. Following a report to the Executive in October 2017 it was resolved to commission consultants to produce a new master plan for Penrith with a budget of up to £45,000. The brief was for the masterplan to provide a spatial framework for new development, showing the opportunities and benefits of this growth, whilst also enabling the area to retain its character and quality of place. In particular there was a requirement for the masterplan to consider:

- housing growth need;
- employment growth;
- infrastructure delivery;
- deliverability of land having regard to land ownership;
- visual impact assessments;
- environmental impact assessment;
- transport assessment/modelling;
- impact on town centre;
- land-use and linkages;
- public open space/ recreation//strategic landscaping; and
- the existing town centre

3.38 Following a tendering process Land Use Consultants were appointed at the end of January 2018 to take forward the masterplan. A programme of work and review meetings was agreed, which was to include a stakeholder group and culminating in a final presentation and the delivery of the masterplan on 30 May 2018.

3.39 The Council was awarded a grant of £250,000 in January 2018 from the Planning Delivery Fund to deliver increased capacity for joint planning. The purpose of the funding is to securing progress on, and the delivery of, the Penrith masterplan. Currently this grant is being directed towards:

- a review of the delivery options by Land Use Consultants;
- the appointment of consultants to prepare a strategic flood risk assessment;
- the appointment of consultants to commence traffic surveys and modelling which would support a transport assessment; and
- the production of a traffic plan.

Supplementary Planning Documents (SPDs)

3.40 SPDs provide additional detailed advice on main policy areas contained within the Development Plan. They do not introduce new policy, but provide more detailed advice to assist both officers and the public in interpreting the Development Plan.

- 3.41 Initial preparatory work commenced in respect of SPDs on Housing (including affordable housing), design and noise at the latter part of 2017 and the beginning of 2018, but has not progressed in any meaningful way due to priority being given to the Local Plan, the Penrith Masterplan and the Brownfield Sites register.

Building Control application statistics and income

- 3.42 The Building Control team has continued to be successful in 2017/18 with an 89.90% share of the building control work in Eden district.
- 3.43 From 1 April 2017 to 31 March 2018 the relevant statistics for the team are as set out in the below table.

Total number of Applications Received	571
Full Plans Applications	224
Building Notice Applications	347
Percentage of Full Plan Applications Determined within 5 weeks	59.93%
Percentage of Full Plan Applications Determined within 8 weeks	73.66%

- 3.44 A number of Full Plans applications are still awaiting determination due to information being sought from the relevant architect.
- 3.45 Income received in 2017-2018 was £256,036.

4 Policy Framework

- 4.1 The Council has four corporate priorities which are:
- Decent Homes for All
 - Strong Economy, Rich Environment
 - Thriving Communities
 - Quality Council
- 4.2 This report meets the Strong Economy and Quality Council 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 2015-19.

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 out of this report save for the reference to the risk of the council's planning service going into special measures.

6.3 Human Resources

6.3.1 None.

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.
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 building control function.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	12 April 2018
Monitoring Officer (or Deputy)	18 April 2018
Relevant Deputy Director	24 April 2018

Background Papers: None

Appendices: None

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