

Environment and Sustainability Committee



5 September 2023

Title	Planning Development Management Performance Report
Purpose of the report	To note
Report Author	Esmé Spinks, Planning Development Manager
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	Community Environment Service Delivery Affordable Housing
Recommendations	Committee is asked to: 1. Note the report
Reason for Recommendation	N/A

1. Summary of the report

1.1 This report seeks to review the performance of the Planning Development (PDM) Management service over the past year. The report follows on from those produced on an annual basis to the Environment and Sustainability Committee.

2. Key issues

2.1 Successive governments have assessed Local Planning Authorities (LPA) performance on the speed with which they determine planning applications. The “designation regime” (introduced in 2013 and amended in 2016) is based on the speed and quality of decisions for major and non-major development over a rolling 2-year period. Over the years, Spelthorne has consistently met and surpassed these targets.

2.2 The quality and speed of major development is a target which is, and will continue to be, monitored particularly closely due to the relatively few major

applications received. There is a continued risk, in terms of the quality of major applications threshold, of exceeding the 10% threshold. It is imperative the Council has sound reasons to refuse an application, and that these are capable of being defended successfully at appeal. Failure to do so could expose the Council to the real risk of “designation”. The speed and quality of non-major applications are targets which are less problematic to meet due to the significantly higher numbers received overall, but nonetheless are still closely monitored.

- 2.3 Government policy announcements in recent years has aimed to boost the supply of housing, enable homes to be built faster and encourage higher housing densities within urban locations. These have been encapsulated into the revised National Planning Policy Framework, issued in July 2021 where a presumption in favour of sustainable development lies at its heart. The presumption in favour of housing schemes applies in Spelthorne because this authority does not have a 5 year housing land supply housing (it currently stands at 3.53 years) which has triggered a presumption in favour of sustainable development. In addition, the Housing Delivery Test, which compares the number of new homes delivered over the previous three years with the authority's housing requirement, is currently 69%. As this is less than the required 75%, the NPPFs presumption in favour of sustainable development is also triggered for Spelthorne. our most recent Housing Delivery Test result was 69%.
- 2.4 The PDM Officers are working within a culture of continuous performance. Further investment in IT has taken place assist with performance management and the Council's agile working policy and this is a necessary continuing process. The Planning DM officers successfully met this challenge and have also exceeded all government performance targets.
- 2.5 Following the May elections, planning training has taken place on decision making, appeals and costs, Green Belt and Planning Enforcement and further training is planned in 2023 and the first part of 2024. Training will continue as new planning legislation is introduced and refreshers are needed.
- 2.6 It is proposed to continue providing planning application performance statistics in future E&S Committee papers.

3. Options analysis and proposal

- 3.1 The first section of the report deals with the Designation Regime. 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 (mainly 10+ dwellings and new floorspace of 1,000 sqm+(16 weeks where subject to Environmental Impact Assessment) and 8 weeks for other planning applications defined as “Minor” and “Other” (non-major proposals).
- 3.2 As part of the Growth Agenda, the Growth and Infrastructure Act 2013 saw an introduction to the “designation regime” which has since been refined and

expanded. It measures performance based on the speed and quality of decisions for major and non-major development over a rolling 2-year period as follows:

- The **speed** of determining applications for **major** development
- The **quality** of decisions made by the authority on applications for **major** development
- The **speed** of determining applications for **non-major** development;
- The **quality** of decisions made by the authority on applications for **non-major** development

The performance of LPAs can be “designated” on the basis of its speed and/or quality performance on major development, on non-major development, or both.

3.3 The Secretary of State will decide once a year whether any “designation” should be made or lifted. If an LPA is at risk of designation for one or more categories, the DCLG will write to the LPAs requesting any data corrections or exceptional circumstances that would make a “designation” unreasonable. Where an authority is “designated”, applicants may apply directly to the Planning Inspectorate for the category of applications (major, non-major or both) for which the authority has been “designated”. The exception is where an authority is designated for non-major development, householder applications and retrospective applications. Applicants will not be able to submit these applications to the Planning Inspectorate as these are best dealt with locally. Soon after a designation is made the LPA is expected to prepare an “action plan” addressing areas of weakness that contributed to its under-performance. Appendix 2 contains a flow chart setting out the designation process.

3.4 Table 1 of the main report (reproduced below) provides an overview of the thresholds and assessment period for 2021 and 2022 and details of Spelthorne’s performance.

Table 1

Measure and type of Application	2019-2021 Threshold and assessment period	Spelthorne’s Performance 2021	2020-2022 Threshold and assessment period	Spelthorne’s Performance 2022
Speed of Major Development	60% (min) (October 2019 to September 2021)	98% N.B. The higher the % the better	60% (min) (October 2020 to September 2022)	98% N.B. The higher the % the better
Quality of Major Development	10% (max) (April 2019 to March 2021)*	2.33% N.B. The lower the % the better	10% (max) (April 2020 to March 2022)*	4.65% N.B. The lower the % the better

Speed of Non-Major Development	70% (min) (October 2019 to September 2021)	96% N.B. The higher the % the better	70% (min) (October 2020 to September 2022)	96% N.B. The higher the % the better
Quality of Non-Major Development	10% (April 2019 to March 2021)*	1.25% N.B. The lower the % the better	10% (April 2020 to March 2022)*	1.13% N.B. The lower the better

* an additional 9 months is given to 31 December to allow for the receipt of appeal decisions

Spelthorne has met and exceeded all four targets for the threshold periods.

- 3.5 The 'Quality of Major Development' threshold is monitored particularly closely. This is because of the relative few number of majors which we receive compared with other applications. It would only take four or five majors to be allowed on appeal over a two year period (based on 40-50 majors determined in the last few years) to bring the performance over the designation threshold of 10% and the consequences outlined in para 3.3 above. Where an authority is "designated", applicants may apply directly to the Planning Inspectorate for the category of applications (major, non-major or both) for which the authority has been "designated". Where an authority is "designated", applicants may apply directly to the Planning Inspectorate for the category of applications, for which the authority has been "designated (in this case 'major')". Continuous monitoring against this criterion is essential.
- 3.6 The next section of the report deals with performance in terms of numbers of applications. In terms of the 8 week and 13 week speed performance outlined above, Spelthorne performance for decisions made in 2019 – 2022 is set out in table 3 of the main report. Over the past four years, the number of planning applications determined has increased in the 'majors' and 'other' (with the exception of 2021) categories and in the 'Minor' category from 2019. Overall, there has been an increase in the total received in 2022 compared with the previous years (with the exception of 2021) whilst performance has far exceeded the government targets.
- 3.7 During the same three years ending December 2022, PDM also dealt with a large number of other type of applications not included in the statutory returns, i.e., Certificate of Lawfulness applications, Surrey County Council applications and Tree applications, (Table 4 of the main report). The data shows that there has been a significant increase in the total number determined since 2019. Over the four years; there was a 14.7% increase from 2019 to 2022 and 22.7% increase from 2020 to 2022 and only a slight reduction (6.6%) from 2021 to 2022.
- 3.8 Overall, in 2022 a total of 1406 planning decisions were made by the LPA compared with 1515 in 2021, 1205 in 2020 and 1,352 in 2019.

3.9 The LPA also deals with several other matters involving appeals, planning enforcement and enquiries. A summary of the last four years is contained in table 5 of the main report.

3.10 The planning appeals and enforcement appeals for the past two years are contained in appendices 3 and 4 of the main report. There were 116 appeal decisions received:

- 5 Enforcement appeals
- 111 Planning appeals

Of these appeals:

- 83 Planning appeals were dismissed
- 5 Planning Enforcement appeals were dismissed and the enforcement notice upheld.
- 0 Enforcement notice was quashed on appeal
- 26 Planning appeals were allowed, and
- 1 Planning appeals was lapsed
- 1 Planning appeal was withdrawn

3.11 The report also assesses planning applications which were recommended for approval by the Planning Officer but overturned and refused by the Planning Committee. Between January 2021 to December 2022, nine planning applications were recommended for approval by the Planning Officer but overturned and refused by the Planning Committee. This compares with 11 in the previous report last year. The details are contained in table 6.

3.12 The final table, no.7 summarise planning enforcement activity. Overall, there has been an increase in planning enforcement complaints by 24% from 2018 to 2021 and a drop in 2022 although the six months to June 2023 show a rise again. The enforcement team is currently dealing with a number of complex enforcement cases and is currently operating with just two full time members of staff due to a vacancy in the team. reflects the complexity of current enforcement issues. A detailed report on planning enforcement policy was reported to the Neighbourhood Services Committee in March 2022.

3.13 The report concludes with a summary of government papers including consequences of the Housing Delivery Test result of 69% and lack of a 5 year housing land supply leading to the 'titled balance' being applied for most residential development planning applications in Spelthorne. Reference is also made to the Levelling Up and Regeneration Bill, expected to become law by the end of the year and Biodiversity Net Gain (BNG) which will come into effect in November for major applications and April for non-major development.

3.14 The Government has recently announced a raft of proposed planning changes relating to amended permitted development rights, an increase and amendments to the planning fees (from April 2024) and amended performance targets to follow. The aims have been to 'simplify' the planning

process (to provide additional housing) but the process has become increasingly complex. The increase in planning fees is to provide increased resilience to the PDM service.

4. Financial implications

- 4.1 Potentially negative financial implications could arise if the planning performance results in the Local Planning Authority (LPA) being ‘Designated’ for Major developments. This is because not only would the LPA lose control in decision making of important strategic planning proposals, the LPA would also not receive the pre-application advice fee and statutory planning application fee of the larger schemes which can be significant. For example, the planning application fees of some large proposals include Shepperton Studios Reserved Matters £189,839 and £45,491 and Debenhams £50,381. In 2022/23, Planning DM received over £600,000 in income from planning application fees and pre-application advice given by officers.
- 4.2 An additional potential implication could arise if new dwellings are not approved (if policy compliant). This would lead to a reduction in the New Homes Bonus (NHB) which is secured for every new home completed in the borough. The NHB for 2023/24 is £101,000.
- 4.3 The proposed statutory planning fee increase in April 2024 (between 25% and 35%) plus an annual increase from April 2025 will assist in bringing resilience to the Planning Development Management service. The government will also be bringing in a new planning performance framework, although the consultation on the new framework will not be until after the increase in planning fees has been invested in supporting the capacity and capability of the planning service.

5. Other considerations

- 5.1 There are no further considerations to be taken into account.

6. Equality and Diversity

- 6.1 This does not have any direct equality and diversity impacts

7. Sustainability/Climate Change Implications

- 7.1 There are no sustainability/climate change issues.

8. Timetable for implementation

- 8.1 The Planning DM performance is monitored on a constant basis. It is intended to continue to provide an annual performance report to the Committee.

9. Contact

- 9.1 For further details please contact Esmé Spinks at e.spinks@spelthorne.gov.uk

Background papers: There are none.

Appendices:

Appendix 1 – Main Report

Appendix 2 – Designation process

Appendix 3 - Planning Appeals Received & Decided January 2021 – December 2022

Appendix 4 - Planning Enforcement Appeals Decided January 2021 – December 2022