

24 May 2018

Report of	Assistant Director: Policy & Corporate	Author	Andrew Tyrrell
Title	End of Year Planning Performance 2017- 2018		
Wards affected	All Wards		

**This report sets out an overview of planning service performance for the Planning Committee. Performance is reported formally at the end of each fiscal year. The current report is for the fiscal year from April 2017 to March 2018, with some comparative figures for previous years given as comparative reference points.**

## 1. Decision(s) Required

- 1.1 To note the performance of the Planning Service during the year 2017-18, including development management and enforcement activities.

## 2. Development Management Performance

- 2.1 As context for the year, the Service was amalgamated back into one larger team during the course of the past 12 months, including an office move and a Service restructure that was ongoing throughout the year. This did result in a transitional year, with some effect on the staff within the Service. That is likely to continue into the current year (2018-19), as the new structure goes into full operation from 1 June 2018. At the same time, application numbers increased slightly (0.8%); from 1,619 in 2016/17, up to 1,632 in the past year (2017-18). This is the context within which the following performance figures has been achieved.

Application Category (NI157)	Government Target	CBC Target	Last Year 2016-17	This Year 2017-18	+/- to CBC Target
"Major" Applications	65%	85%	95%	93%	+8%
"Minor" Applications	70%	88%	95%	93%	+7%
"Other" Applications	75%	91%	97%	96%	+6%

- 2.2 The table above sets out that planning performance surpassed the targets set at the start of 2017/18. Major applications are defined as those that for ten (10) dwellings or more, or for sites over 1 Hectare in size, or for buildings with floorspaces over 1,000 square metres. Minor applications are defined as being for less than ten (10) dwellings, for sites less than 1 hectare, or for buildings with less than 1,000 square metres of floorspace. "Other" applications is the category that includes householder extensions and alterations, lawful development certificates, changes of use and listed buildings.
- 2.3 During the past year 93% of the "Major" planning applications were determined either "on time" or ahead of their 13-week target date for a decision. The Council set itself a target of 85%, already higher than the national target, and surpassed this target. The previous year the Planning Service achieved 95%, so while there has been a 2% drop (which is equivalent to 1-2 applications in real numbers), performance has been consistently high on major applications.

- 2.4 For "Minor" applications, the Council decided 93% of applications earlier than their 8-week deadlines. The internal target was set at 88%. This performance was also consistent with the previous year (2016/17).
- 2.5 The final category of application, "Others", saw 97% of applications determined faster than their target deadline of 8 weeks from submission. This was the almost same figure as the previous year, and compares favourably to a challenging CBC target of 90%.

### **3. Appeal Performance**

- 3.1 In appeals, the national target has been set at 70% of decisions being dismissed at appeal. The 30% "loss" rate (upheld appeals), is because the Government recognises the need for planning authorities to have some margin in which to operate with acceptably consistent decision making at the same time as trying to push for higher quality. There are also some cases that are finely balanced decisions; so the 30% caters for the delicate balance that may not be clear cut.
- 3.2 This year the Council had 37 appeals, and only 10 were allowed. This means that we achieved 73% success rate in defending decisions against appeal; and the Council met this target
- 3.3 The previous year the Council lost 19 appeals out of 47 appeals determined by the Planning Inspectorate on behalf of the Secretary of State. This resulted in a rate of 60% success, which is the only year we have fallen below threshold in the last decade. That was similar to other planning authorities, and the national average was less than 70%. It was notable the previous year that decisions by the Inspectorate were also less predictable, and it is known that there was a large recruitment drive by PINs that resulted in a number of new and less experienced Planning Inspectors. At the same time, there was a renewed push to improve the narrative given in our own decisions, explaining more clearly exactly what the perceived problems were with refused applications; and making it easier for Inspectors to understand our own logic when forming their own views.

### **4. Planning Enforcement**

- 4.1 Over the past 3 years, there have been 372 (2014/15), 456 (2015/16) and 518 (2016/17) new cases reported to the enforcement team. This was a significant increase each year. For this last year (2017/18), there were 508 new enforcement cases received
- 4.2 With 508 new cases coming in, there were 525 enforcement cases resolved and closed. This means that there are 17 less cases currently under investigation than at the start of the year (1<sup>st</sup> of April 2017). The number of cases closed also increased from 512 the previous year to 525 this year (2017/18). At the year end on 31<sup>st</sup> of March 2018 there were 112 ongoing investigations.
- 4.3 The majority of enforcement cases are resolved through discussions and negotiation where possible. If solutions can be found amicably this is the first approach, as it is usually faster. Sometimes people have undertaken works without realising that they need permission, and they have been advised to make applications to regularise that with the right permission so there has then been no need to take formal action. In some cases, reported breaches have not required permission, while on rarer occasions an application should have been made but the works undertaken are so minimal or clearly acceptable that it is not expedient to request an application just for the sake of it.

- 4.4 However, there are times when formal action is a necessary and only way to achieve the right outcome. Although there were 10 less cases than the previous year, there were more notices served this year. Of the 32 Notices issued, 4 requested information be provided under legal powers; but 28 Notices were served that had consequences in terms of remedying works “on the ground”, demolition of unauthorised buildings, or stopping works from happening before they take place. These are shown in the table below:

Number Of New Cases Received During Year:		508
Number of Cases Closed Down and Resolved:		525
Type of Notice Served	Planning Contravention Notice (PCN)	4
	Enforcement Notice	13
	Breach of Condition Notice (BCN)	6
	Stop Notice	1
	Temporary Stop Notice (TSN)	4
	Injunction Granted by Courts	1

## 5. Summary

- 5.1 In summary, all of the Councils performance indicators for planning were met, and it has been another strong year for development management and planning enforcement.
- 5.2 Residents and business making applications in Colchester have received a large volume of planning application decision prior to, or on, their expected target deadlines. The speed of decision making has been consistently strong regardless of the scale of development, be it for hundreds of homes or for a small conservatory.
- 5.3 The Council has also met targets in terms of quality decision making, successfully defending its decisions against appeals determined by the independent Planning Inspectorate. There were less appeals against our decisions too, after a focus on better explanations around the issues that warranted refusal. There was a significant increase in performance on appeals from the previous year.
- 5.4 There has also been another increase in the formal enforcement actions taken this year. A number of notices were served, including stopping works in progress, and removing unauthorised development that was causing harm to neighbours or other residents, visitors or businesses.