

27 August 2015

Report of	Head of Professional Services	Author	Andrew Tyrrell
Title	Planning Performance “End of Year” Report for 2014/15		
Wards Affected	All		

This report sets out the Council’s Planning Services performance against various measures and Key Performance Indicators (KPI) for the period 1 April 2014 to 31 March 2015. Comparative figures are given for previous periods in order to give some context to the level of performance achieved. These include the half year figures previously reported to the Committee in November 2014.

## 1. Decision Required

- 1.1 Members are asked to note the Planning Service performance for the previous fiscal year.

## 2. Reasons for Decisions

- 2.1 Members of the Committee are regularly presented with performance reports so that we can monitor trends in the service, including the Committee’s own decisions.

## 3. Planning Service Performance Statistics

### Determining Planning Applications “On or Within Time”.

- 3.1 The Planning Service’s primary Key Performance Indicator (KPI) target is to determine planning applications within timescales set by Government, and higher targets set by this Council. National Indicator 157 (NI157) requires Councils across the country to determine applications within either eight weeks, or 13 weeks depending on the scale of the development proposed. This is the national standard on which all Local Planning Authorities (LPAs) are benchmarked against one another. The table below sets out performance against this KPI.

Application Type	Government Target	CBC Target	CBC Performance in 2013/14	CBC Performance at “Mid-Year”	CBC End of Year Performance
<b>Majors</b>	<b>60%</b>	<b>70%</b>	89%	94%	<b>88%</b>
<b>Minors</b>	<b>65%</b>	<b>75%</b>	80%	92%	<b>86%</b>
<b>Others</b>	<b>80%</b>	<b>85%</b>	90%	95%	<b>95%</b>

- 3.2 A major application consists of:
- ten (10) or more units of residential accommodation
  - any residential site area exceeding 0.5 hectares where it is not known how many dwellings are to be created

- new building over 1,000 sq. m
- change of use over 1,000 sq. m
- amendment or removal of a condition relating to a major development
- development site area is 1 hectare or more

Minor applications include:

- 1-9 dwellings or a site under half a hectare where numbers are not known
- Office/light industrial units up to 999 m<sup>2</sup> in floorspace or on sites under 1 hectare
- General industrial of up to 999 m<sup>2</sup> floorspace or under 1 hectare site area
- Retail floorspace up to 999 m<sup>2</sup> or under 1 hectare in site area
- Gypsy/travellers site with 1-9 pitches

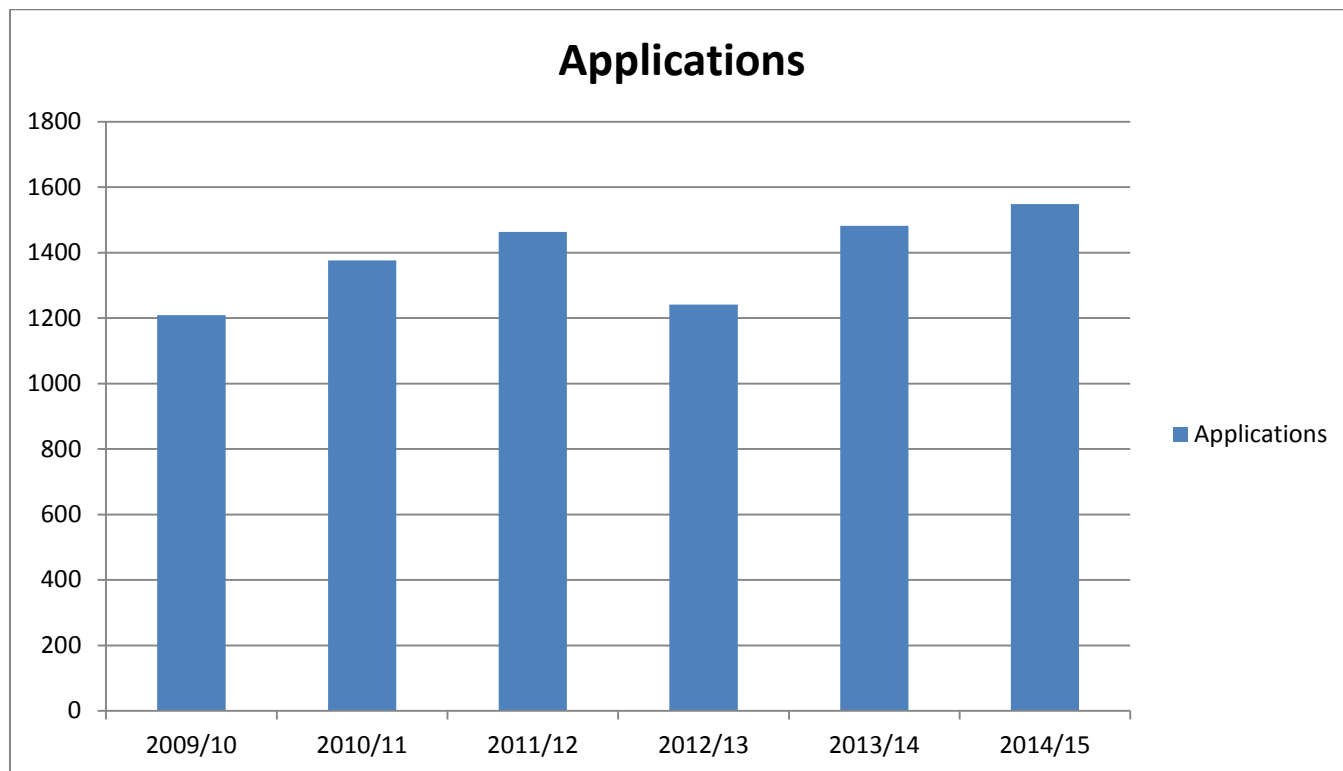
Other applications include:

- Householder applications
- Change of use (no operational development)
- Adverts
- Listed building extensions / alterations
- Listed building demolition
- Application to demolish an unlisted building within a Conservation Area
- Certificates of Lawfulness
- Notifications

- 3.3 The table shows that performance exceeded our performance targets set at the start of the year. These CBC targets were already higher than the Government's own targets for LPAs.
- 3.4 Whilst performance was better within the first half of the financial year than the latter half, this is because the Service carried vacancies in the second half of the year that were then filled at the start of the new fiscal year (3 new planners joined in May of this year, after this performance report period).

### Application Numbers

- 3.5 Nationally, we reported last time that there was an average increase of 4% from 2012/13 to 2013/14. In Colchester, during the 2013/14 fiscal year we had received 1517 applications. That had been an 8.6% increase from 2012/13 (compared to the 4% national increase). We had issued 1438 planning decisions within that same period.
- 3.6 We ended up determining 1548 applications in 2014/15, a further 2% increase on the previous year at Colchester. There were 57 "Major" applications, 308 "Minors" and 1183 "Others" decided. The numbers of applications received by year is shown below:



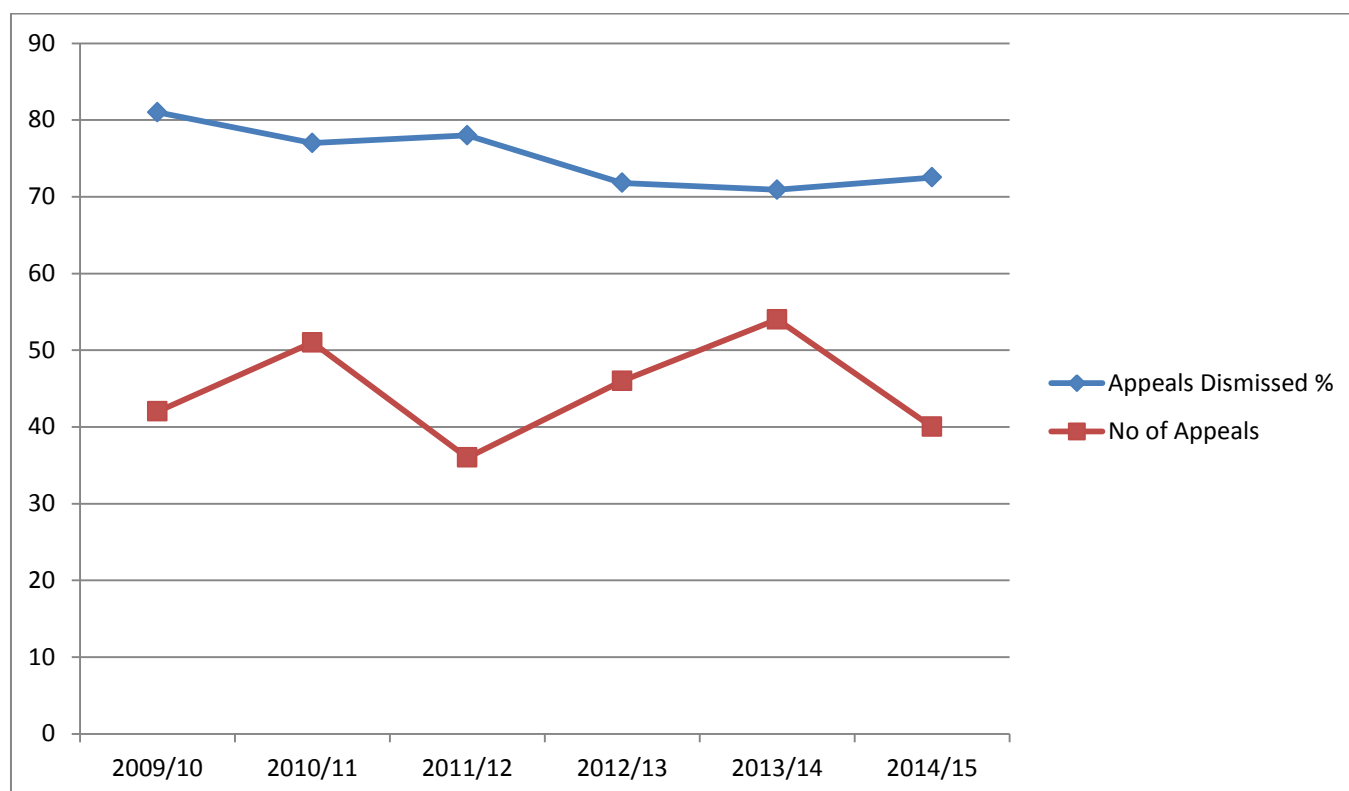
#### Appeal Numbers and Performance

- 3.7 Last year 54 of our decisions were appealed by applicants and considered by the Planning Inspectorate (PINs). This year 40 appeals were determined by PINs. One of these was later challenged by this Council, as we believed the Inspector had made an error in law, and this has recently been quashed by the High Court. However, it is included in these statistics as an appeal allowed against this Council as per the original decision (as this was as reported to Government at the time).
- 3.8 The Council have a performance indicator set nationally with regard to performance when planning decisions are appealed. This requirement also forms a KPI, and is set at no more than 30% of appeals being allowed against the Council, with a target of 70% being dismissed by PINs. At the halfway stage of the year this target was not being met, however (not including the since quashed loss detailed above) the Planning Service was able to turn this target around and achieve an allowed rate of just 27.5%, with 67.5% being dismissed, at the end of the year as set out in the table below:

KPI	CBC Target	2013/14	2014/15 (half year)	2014/15 (Final)
Appeals Dismissed	70%	70.4%	66%	72.5%

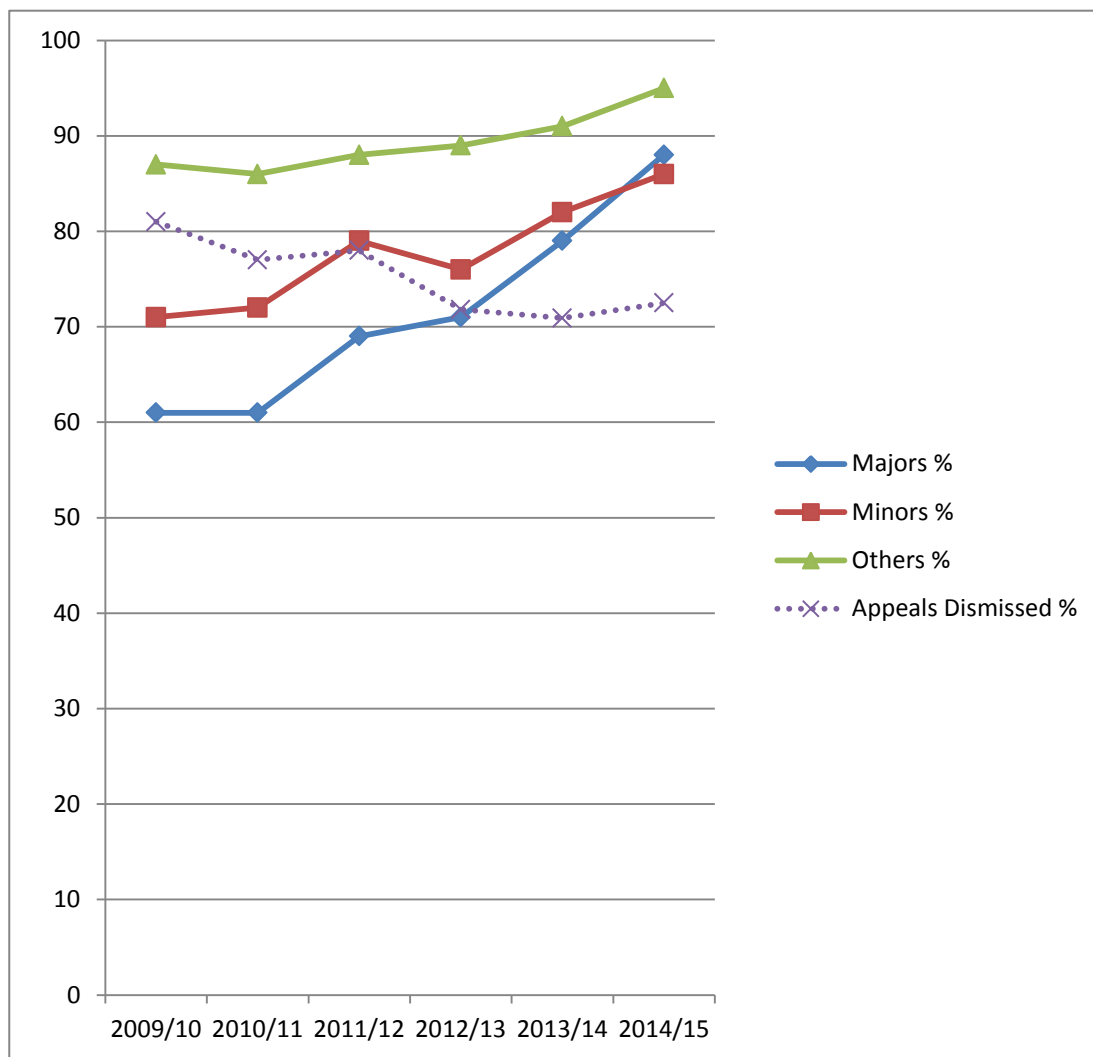
- 3.9 If the quashed decision that the Council challenged through the courts was taken into account then this figure would actually drop to 25% of appeals being allowed against us by PINs. However, as this case is still being reconsidered afresh it has not been included as a dismissed case yet.
- 3.10 There remains no overarching trend or pattern to appeal decisions from which we can learn lessons or that raises a need to alter our thought processes, procedures or decisions. Generally, PINs have been noticeably more permissive, allowing appeals more frequently and in some instances where we believe the decision would not have been the same in previous years. This is consistent with the national context, which follows Government instruction to Inspectors to be more encouraging of appeals that bring about employment opportunities or new homes. Looking back further, appeals

allowed have risen consistently for several years, from 22% (2011/12), to 28% (12/13), then 29% (13/14) and now 27.5% in 2014/15. The trends on numbers of appeals and our performance are shown in the table below:



- 3.11 The Planning Committee had 5 of their decisions later appealed during 2014/15. PINs were less agreeable with this Council in these cases, dismissing 3 of the 5, and giving the Committee decisions a success rate at appeal of 60%, with 40% of the Committee's decisions later being overturned at appeal.
- 3.12 Importantly, the Council has not received costs awards against us. Overall, in recent years, the Council has had a very low level costs being awarded against us by PINs and consistently demonstrates that even when our decisions are overturned by PINs at appeal, the Inspectors decided that the behaviour and logic we have demonstrated in how we reached our decision has always been "reasonable" as defined by planning law. Consequently, at present the Planning Service has decided not to change the way it considers planning applications. However, the appeals trends will need to be closely monitored. In the event that a theme does arise, with regard to either a certain type of development, the weight given to a specific material planning consideration, or the way PINs apply our adopted policies, then we would need to review our response to this and make appropriate changes.
- 3.13 In terms of complaints against Officers, our processes and procedures followed, we are still proud to state that for several years now the Planning Service has not been found to have maladministered on any decisions or required to pay costs to any complainants to the Local Government Ombudsman (LGO) regarding the quality of service provided and how we undertake our duties.
- 3.14 Overall, performance at appeal remains a challenge to LPAs across the country in this permissive era. However, our records above show that we are still making reasonable decisions and meeting targets around the levels of challenge of our planning decisions by appellants.

3.15 To put the year's performance in to context, the graph below shows performance trends on applications and appeals over the last 6 years at CBC:



### Planning Enforcement

3.16 The Planning Enforcement Team received 372 new complaints in the last fiscal year (2014/5). During this same period they were able to close down and complete 344 cases, leaving a net increase of 28 cases over the 12 months (8% increase in open cases). There was a vacancy within the team, which only consisted of 2.4 Officers, with a post being vacant for 2 months until January 2015 after the retirement of a very experienced officer. Given this vacancy the team have performed extremely well through that transition period. This period also saw the introduction of a new enforcement policy, being implemented throughout the majority of the review period.

3.17 Despite this, the team served the following notices:

Planning Contravention Notice (PCN)	18
Enforcement Notice	7
Breach of Condition Notice (BCN)	7
Section 215 Notice	1
Section 330 Notice	13
Other s16 Notices (including Discontinuance Notices)	2

- 3.18 The Enforcement Team also successfully prosecuted 3 parties for unauthorised developments. We had no unsuccessful cases in the courts. As a comparison, the previous year we had served 18 PCNs, 10 Enforcement Notices, 3 BCNs and had 2 successful prosecutions.

#### **4. Financial implications**

- 4.1 There are no “direct” financial implications. The Planning Service is performing well, with increased application numbers and increased resultant fees received. We have not lost costs awards against the Service at appeal and have recouped various legal fees related to our court actions.

#### **5. Equality, Diversity and Human Rights Implications**

- 5.1 There are no significant equality, diversity or human rights implications.

#### **6. Publicity Considerations**

- 6.1 There is no need to undertake any public consultation. The NI157 performance is reported to Government for benchmarking, trends analysis and statistical purposes.

#### **7. Risk Consideration**

- 7.1 There are no significant risks outlined. Measures such as the Government designation of poorly performing planning authorities (whereby the LPAs loses some of its planning powers and developers can apply direct to the Planning Inspectorate for planning permission) are not of any concern to this Council based on our levels of performance at this time.

#### **8. Strategic Plan References**

- 8.1 The Planning Service contributes to all of the Council’s key objectives. By delivering a fast and effective planning service the Council is in a better position to realise these objectives.

#### **9. Community Safety Implications**

- 9.1 The contents of this report do not affect our duties on community safety.

#### **10. Background Papers**

- 10.1 None