

# MUNICIPAL YEAR 2017/2018 REPORT NO. 106

## MEETING TITLE AND DATE

**Planning Committee**

**21 November 2017**

## REPORT OF:

**Peter George  
Assistant Director -  
Regeneration & Planning**

<b>Agenda</b>	<b>1</b>
<b>Subject:</b>  <b>Planning Performance – November 2017</b>	
<b>Wards: All</b>	

Contact officer and telephone number:

Andy Higham, Head of Development Management - 020 8379 3848

E mail: andy.higham@enfield.gov.uk

## 1. EXECUTIVE SUMMARY

- 1.1 The efficient processing of planning applications plays a crucial role in the delivery of economic growth and the provision of new homes including affordable homes for Borough residents.
- 1.2 The performance of the Planning Decisions team in the handling of planning applications, pre- application enquiries, and appeals, is an active contributor in the perception of the Borough as a place to invest to support the realisation of these objectives.
- 1.3 This report sets our performance against key indicators for the year to date from 1 April 2017 to 30 September 2017.

## 2. Definition of Application Categories

- 2.1 The key indicator for the Service is its performance on the determination of applications for planning permission.
- 2.2 Applications for planning permission fall into three categories: Major, Minor and Other. These are defined as follows:

i) Major:

“Major development” means development involving any one or more of the following:

- a) the winning and working of minerals or the use of land for mineral-working deposits;
- b) waste development;
- c) the provision of dwelling houses where (i) the number of dwelling houses to be provided is 10 or more; or (ii) the development is to be carried out on a site having an area of 0.5 hectares or more;
- d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or;
- e) development carried out on a site having an area of 1 hectare or more.

ii) Minor:

Minor development means:

- a) development proposals involving the construction of between 1 and 9 dwellings (inclusive) or where the number of dwellings to be constructed is not given in the application, a site area of less than 0.5 hectares;
- b) development where the floor space to be built is less than 1,000 square metres or where the site area is less than 1 hectare;

ii) Other:

This category covers a wide variety of applications types including proposals for changes of use, householder extensions, advertisements, listed buildings, and lawful development certificates

### 3. **Performance Criteria**

3.1 The timeframes within which the various application types should be determined are contained in Part 29 of the Town and Country Planning (Development Management Procedure) Order 2010. This requires that:

- a) major planning application should be determined within 13 weeks of receipt;
- b) minor applications should be determined within 8 weeks of receipt;
- c) other applications should be determined within 8 weeks of receipt.

3.2 The Department of Communities and Local Government (DCLG) previously measured performance against statutory targets through a National Indicator (NI157) which stated that:

- a) 60% of major planning application should be determined within 13 weeks of receipt;
- b) 65% of minor applications should be determined within 8 weeks of receipt;

- c) 80% of other applications should be determined within 8 weeks of receipt.
- 3.3 This National Indicator has now been superseded but these still form an benchmark for assessment.
- 3.4 Notwithstanding the above, the Council has set its own “stretch” targets for the determination of planning applications. These are:
  - i) Major applications – 85%
  - ii) Minor Applications – 80%
  - iii) Other Applications – 85%

#### 4. **Driving Performance - Designation Criteria**

- 4.1 To stimulate growth and support the delivery of new housing, the Government has placed more emphasis on the performance of local planning authorities and the speed and quality of their decision making process.
- 4.2 The Growth and Infrastructure Act 2013 introduced powers for situations where local planning authorities are deemed to be poorly performing, that enable developers wishing to apply for planning permission in respect of major developments to apply to the Planning Inspectorate rather than the relevant local planning authority.
- 4.3 The last Government performance criteria to define “poorly performing” was published in November 2016 (“Improving Planning Performance: Designation Criteria 2016”) and sets out criteria against which local planning authorities will be assessed. A local planning authority can be designated only if, by reference to the criteria in this document, “the Secretary of State considers that there are respects in which the authority is not adequately performing their function of determining applications”
- 4.4 Key to this is the performance of local planning authorities in determining planning applications for major and non-major development. These will be assessed separately meaning that an authority could be designated based on its performance in determining applications for major development, applications for non - major development, or both. The assessment for each of these two categories of development will be against two separate measures of performance:
  - the speed with which applications are dealt with measured by the proportion of applications that are dealt within the statutory time or an agreed extended period; and,
  - the quality of decisions made by local planning authorities measured by the proportion of decisions on applications that are subsequently overturned at appeal.

- 4.5 The performance of local planning authorities therefore will be assessed separately against:
- 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.
- 4.6 The term non-major development is defined as all development that does not come within the ambit of the definition for “Major development” i.e. Minor & Other combined.
- 4.7 The current benchmark to identify what may constitute poorly performing has been set at 50% of major applications and 65% non-major development being determined within the statutory framework. This is calculated over the proceeding 2-year period.
- 4.8 If a local planning authority falls below the performance thresholds set out in the criteria it may be designated for its performance. Section 62A of the Town and Country Planning Act 1990 (as amended) allows applications for the category of development for which the authority has been designated (i.e. major development, non-major development or both) to be submitted directly to the Secretary of State (if the applicant wishes) as long as the designation remains in place. This excludes householder and retrospective applications, which must still be made directly to the local planning authority.
- 4.9 The current criteria are summarised below:

<b>Measure and type of Application</b>	<b>2017 Threshold and assessment period</b>	<b>2018 Threshold and assessment period</b>
Speed of major Development (District and County)	<b>50%</b> (October 2014 to September 2016)	<b>60%</b> (October 2015 to September 2017)
Quality of major Development (District and County)	<b>N/A</b> – we are not assessing quality in this designation round	<b>10%</b> (April 2015 to March 2017 <sup>12</sup> )
Speed of non-major Development	<b>65%</b> (October 2014 to September 2016)	<b>70%</b> (October 2015 to September 2017)
Quality of non-major Development	<b>N/A</b> – we are not assessing quality in this designation round	<b>10%</b> (April 2015 to March 2017 <sup>13</sup> )

- 4.10 Our performance over the rolling 2-year performance on major and non-major is 75% and 85% respectively

## 5. **Extensions of Time**

- 5.1 Where it is clear at the outset that an extended period will be necessary to process an application, the local planning authority and the applicant should consider entering into a planning performance agreement before the application is submitted.
- 5.2 If a valid application is already being considered and it becomes clear that more time than the statutory period is genuinely required, then the local planning authority can ask the applicant to consider an agreed extension of time. Any such agreement must be in writing and set out the timescale within which a decision is expected.
- 5.3 The timetable set out in a planning performance agreement or extension of time may be varied by agreement in writing between the applicant and the local planning authority. Where such agreement is entered into, decisions made within the agreed time frame are counted as being in time.

## 6. **Current Performance**

### 6.1 Speed of Decision

Against the key categories, the following performance has been achieved:

Category	Target (stretch)	2016/17	2016 Q	2017 1Q	2017 2Q
Major	85%	84.8 %	66.7 %	100 %	66.66%
Minor	80%	82.1 %	75.7 %	85.9 %	83.04%
Other	85%	84.3 %	79.6 %	90.2 %	89.09%
LDC	85%	94.9 %	91.9 %	94.6 %	95%
Not Required	n/a	87.4 %	83.5 %	88.2 %	87.6%

- 6.2 The performance of the Service currently exceeds both the designation criteria and the Council's own stretch targets

### 6.3 Performance on Discharge of Planning Conditions

This is not a Government or Council target and is not reported outside the Service but is one that has been introduced ahead of proposed changes to planning legislation which will mean that certain conditions will be deemed approved if not discharged within an 8-week period unless approval has been obtained from the Applicant.

Category	Target	2016/17	2016 Q	2017 1Q	2017 2Q
Discharge of Conditions	95%	66.0%	68.8%	69.3%	66%

- 6.4 It is acknowledged this target is not currently being met but there has been an upward trend and officers are currently reviewing our approach to the use of conditions to improve this position.

#### 6.5 Planning Decisions - % Approvals

The following table sets out the % of applications that we approve against certain key application categories.

Category	2016/17	2016 Q	2017 1Q
Major	75.8%	83.3%	81.0%
Minor	60.1%	59.7%	58.1%
Other	63.8%	66.6%	63.4%
Lawful Development Certificates	79.6%	85.5%	80.3%
Not Required	82.0%	84.1%	71.6%
Conditions	84.1%	91.0%	84.2%

- 6.6 In summary, for 2016/17, 3111 applications were approved, and 1219 applications were refused. This equates to 72% approved. For the first quarter of 2017/18, 832 applications have been approved and 346 refused. This equates to 71% approval.

- 6.7 Figures for applications determined by Planning Committee are set out below:

Decision Issued Year	North Area	South Area	Not Known	North Area	South Area	Grand Total
<b>2014/15</b>	<b>41</b>	<b>28</b>	<b>0</b>	<b>59.4%</b>	<b>40.6%</b>	<b>69</b>
Granted	37	22	0	62.7%	37.3%	59
Refused	2	6	0	25.0%	75.0%	8
Withdrawn	2	0	0	100.0%	0.0%	2
<b>2015/16</b>	<b>48</b>	<b>37</b>	<b>0</b>	<b>56.5%</b>	<b>43.5%</b>	<b>85</b>
Granted	42	37	0	53.2%	46.8%	79
Refused	6	0	0	100.0%	0.0%	6
Withdrawn	0	0	0	NA	NA	0
<b>2015/16</b>	<b>30</b>	<b>30</b>	<b>0</b>	<b>50.0%</b>	<b>50.0%</b>	<b>60</b>
Granted	24	28	0	46.2%	53.8%	52
Refused	4	2	0	66.7%	33.3%	6
Withdrawn	2	0	0	NA	NA	2
<b>Total</b>	<b>119</b>	<b>95</b>	<b>0</b>	<b>55.6%</b>	<b>44.4%</b>	<b>214</b>

- 6.8 There is no established performance indicator for what represents the correct level of approvals or refusals. However, an important factor will

be the number of appeals that are allowed. Over the past 5 years, the number of appeals allowed has fluctuated between 25% and 35% meaning the number of appeals dismissed has been in the range between 65% and 75%. The current performance is set out below:

Category	Target	2016/17	2016 Q1	2017 1Q	2017 2Q
Appeal Decisions	n/a	64.9% (35.1%)	65.9% (34.1%)	67.3% (32.7%)	71.6% (28.4%)

## 7 Pre-Application Enquiries

- 7.1 Pre application enquires are important way of front loading the process to ensure issues are identified at an early stage in the planning process and is consistent with the objectives for local planning authorities to be proactive in their dealings with applicants and developers. The table below illustrates how the number of such enquiries has increased.

Received Year	North Area	South Area	Not Known	North Area	South Area	Grand Total
2012/13	64	42		60.4%	39.6%	106
2013/14	56	57		49.6%	50.4%	113
2014/15	100	94	2	51.0%	48.0%	196
2015/16	142	102		58.2%	41.8%	244
2016/17	141	125	1	52.8%	46.8%	267
<b>Total</b>	<b>503</b>	<b>420</b>	<b>3</b>	<b>54.3%</b>	<b>45.4%</b>	<b>926</b>

This years target for responding to pre application requests within 30 working days is currently at 92.53% for 2Q 2017 rsing from 82.54% for the 1Q

## 8. Summary

- 8.1 Whilst there is always room for improvement, given the pressure on resources and the significant increase in the number of planning applications being received by the Team, performance on the determination on planning applications remains above the threshold for designation and above performance targets of key indicators. The concern of members regarding the number of refusals is noted but at present, the split between approvals /refusals is relatively constant and supported by robust success rates on appeal.
- 8.2 Officers are currently dealing with an average of 350 cases per year is significantly above benchmark levels. This pressure on planning departments is generally acknowledged and a 20% increase in applications fees planned for next year will enable the additional

income to be reinvested in the service in particular, the recruitment of additional posts to improve overall capacity and service levels.

- 8.3 We are also reviewing our use of Planning Performance Agreements to ensure we maximise income levels which can be used to retain additional resource together with our on-line offer to improve the self-service availability of information to potential users of the service.