

Committee/Date:	Planning – 10 th January 2023 29 November 2022
Report Title:	Planning Performance
Wards affected:	None specifically
Appendices	None

1. SUMMARY

- 1.1. This report provides an overview of planning performance, timeliness, appeal decisions.

2. RECOMMENDATION

- 2.1. The Committee is asked consider and note the information within the report.

3. BACKGROUND

- 3.1. The Council receives around 3,700 planning applications each year. Last financial year the Development Management Team generated £2.2m of income, of which £1.3m was from planning fees and £900k from pre-application fees and planning performance agreements. As of 1st November 2022 there is a current pipeline of 8,026 new homes to delivered (i.e. schemes started but not completed, of schemes with consent or a resolution to grant). Of these, 40%, or 3174 new homes, will be affordable, with a split of 42% London Affordable Rent, Affordable Rent and Social Rent and 58% Intermediate

4. DEVELOPMENT MANAGEMENT PERFORMANCE

Performance Indicators

- 4.1. The performance of local planning authorities in determining major and minor development is assessed on a quarterly basis by the Department of Levelling UP, Housing and Communities (DLUHC). The assessment of performance is judged by the DLUHC against two separate measures of performance, which are:
 - the speed with which applications are dealt with, measured by the proportion of applications that are dealt with 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 out of all decisions made.

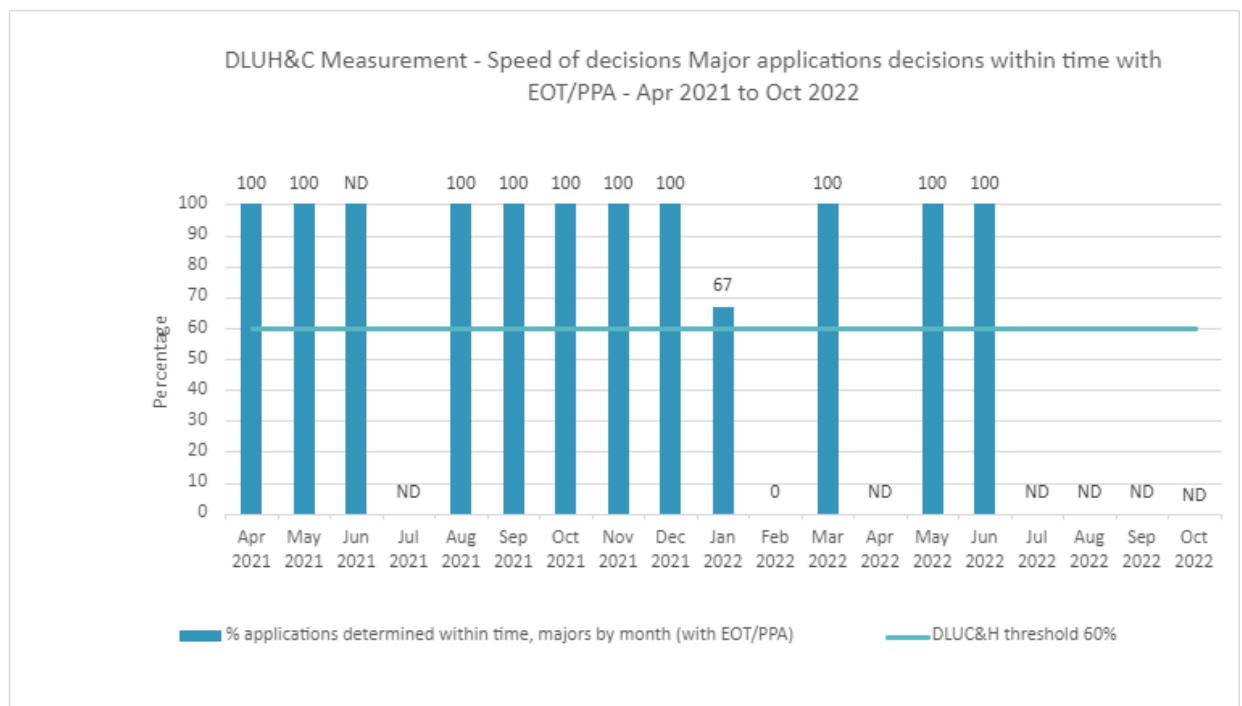
- 4.2. Where an authority does not meet the required performance, levels set out in Table 1 (below), it can be 'designated' by the DLUHC on behalf of the Secretary of State. Where a local planning authority is designated, applicants may apply directly to the Planning Inspectorate (on behalf of the Secretary of State) for determination of the category of applications (i.e. major, minor or both) for which the authority has been designated.

Measure & Type of Application	Threshold
Speed of Major Development	60%
Speed of non-Major Development	70%
Quality of Major Development	10%
Quality of non-Major Development	10%

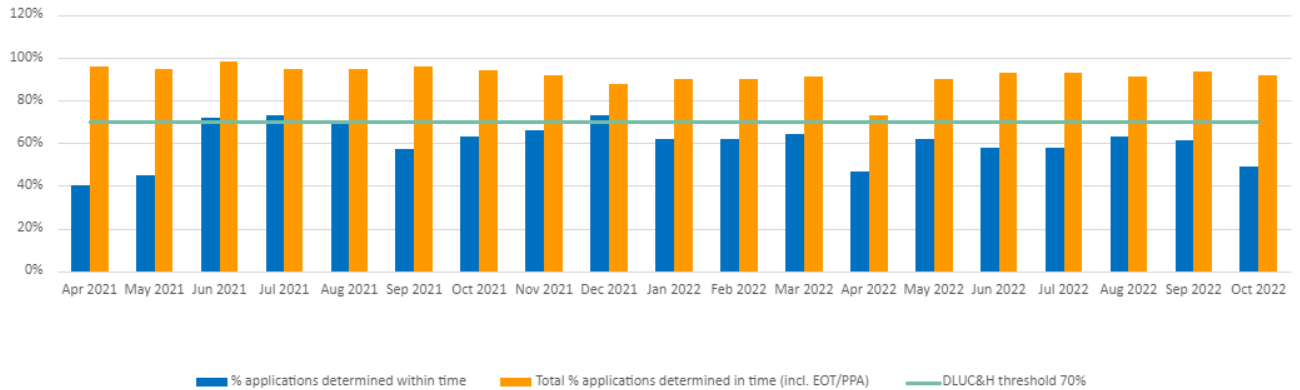
- 4.3. Local planning authorities are required to submit data showing their performance against the speed and quality measures set by the DLUHC on a quarterly basis and this data is published by the DLUHC.
- 4.4. The Government's assessment is made over a rolling two year period. The current assessment period for speed of decisions is October 2021 to September 2023 and is April 2021 to March 2023 for quality of decisions.
- 4.5. Major applications are defined as development involving ten or more homes, 1,000sqm floorspace, site area of 1 or more hectare, waste development and minerals development. Minor development is all other applications for development, including householder applications.
- 4.6. The Council's performance for speed of decisions for major applications for the 24 month period July 2020 to June 2022 (the most recent data published on DLUHC website) is 91.9% (34 decisions within 13 weeks or agreed extension of time, out of 37 decisions), the Council ranked 132 out of 329 local planning authorities. The Council is comfortably above the threshold and works proactively with all major applicants to secure planning performance agreements which set out an agreed timetable for determination of applications.
- 4.7. The Council's performance for speed of decisions for minor applications for the 24 month period July 2020 to June 2022 (the most recent data published on DLUHC website) is 93.2% (2,661 decisions within 8 weeks or agreed extension of time, out of 2,856 total decisions), the Council ranked 90 out of 329 local planning authorities. The Council is comfortably above the threshold and where necessary works with applicants to agree longer periods for determining applications.
- 4.8. The Council's performance for quality of decision making for Minor Applications in the 24 months to March 2021 is 1.7%, (45 appeals allowed, out of 2,667 applications determined). Further detail on appeal performance is discussed later in this report, however, the Council's success rate of appeals (i.e. those dismissed) during this period was

around 70%. The time lag in this data is to account for the fact that the Government considers it will take up to 9 months for an appeal to work its way through the system. There have not been any appeals determined for major applications during the assessment period. An appeal has been lodged against refusal of the redevelopment of 480 Larkshall Road for 68 flats, commercial space and station entrance, and a public inquiry concluded on 1st December 2022.

- 4.9. Panning Managers review appeal decisions when they are issued, to learn from decisions that Inspector's make and to identify whether there are any recurring themes where Inspectors are routinely dismissing appeals.
- 4.10. As part of proposals associated with the Levelling Up and Regeneration Bill the then Government had stated that to further boost performance and service quality in local planning authorities it will expand the existing planning performance framework to measure performance across a broader range of quantitative and qualitative measures. However, no further detail on this has been provided.
- 4.11. More up to date monthly performance data is set out in the charts below. The rolling average for speed of major decisions is 82% within time or agreed extension of time, and 92% for minor applications. The Council determines an average of two major applications and 120 minor/other applications per month.



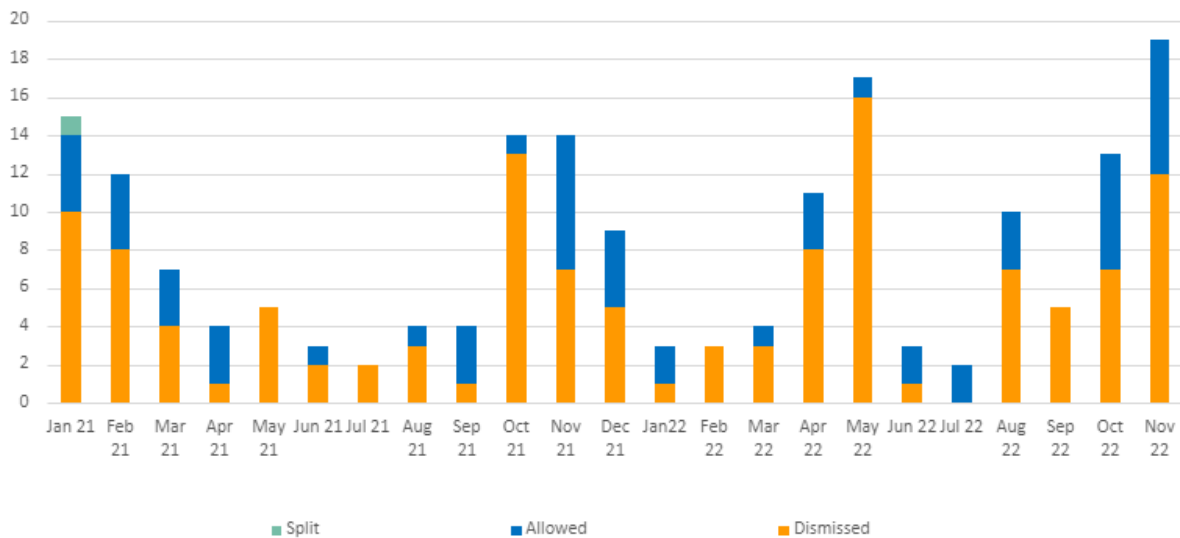
DLUH&C Measurement - Speed of decisions Minors & others Apr 2021 to Oct 2022



5. Appeal Performance

5.1. Monthly appeal performance is set out in the chart below. Over the period from January 2021 to November 2022 there were 183 appeal decisions of which 124 were dismissed, representing a success rate of 68% which is consistent with the national average.

Appeal



- 5.2. Around half of the appeal decisions relate to householder applications and domestic prior approvals, the bulk of the remainder are minor applications including changes of use and a handful of lawful development certificates, telecommunications and building upwards prior approvals.

	Allowed	Dismissed	Split
Minor applications incl change of use	12	49	
Householder (incl prior approvals)	34	56	1
Certificates of Lawfulness (proposed)	1	1	
Telecommunications prior approvals (masts)	4	1	
Certificates of Lawfulness (existing)	4	9	
Additional storeys prior approvals	1	8	
Discharge of conditions	1		
Adverts	1		
	58	124	1

- 5.3. Inspectors were generally supportive of the Council's Residential Extensions and Alterations policy (DM4) and associated supplementary planning document. In many cases referring positively to both. In a few cases Inspectors noted the SPD pre-dated subsequent changes to permitted development rights, which is a matter that will be addressed in the review of the SPD alongside adoption of the new Local Plan.
- 5.4. Regarding new residential development and changes of use, Inspectors afforded significant weight to the quality of accommodation being provided, in terms of access to amenity space, natural daylight, privacy and room dimensions. They also gave strong support to Local Plan Policy DM6, which seeks to control and restrict the provision of and the sizes of dwelling conversions, HMOs and Buildings in Multiple residential occupation.
- 5.5. Many inspectors were concerned about impact on the character and appearance of properties and the street scene and the amenity of neighbouring residents in their assessments, but this was not consistent in all decisions received.
- 5.6. Four out of the five telecommunications prior approval appeal (for 5G masts) were allowed. The only matters that can be considered are siting and appearance, Inspector's gave weight to the Government's policy of supporting full 5G coverage, generally outweighing concerns about visual appearance of the masts or street clutter/pavement width.
- 5.7. There were two appeals relating to provision of hot food takeaways; one was dismissed and the Inspector supported the Council's policy to prevent them within 400m of a school. The other was allowed, having been refused because it was within 400m of a park; the Inspector noted

that this criteria was not included in the London Plan policy or the draft Local Plan and gave more weight to these.

- 5.8. There have been nine appeals relating to 'building upwards' prior approvals, eight dismissed and one allowed. The matters to be considered for prior approval are set out by the Government and are the only matters that the Council and Inspectorate can take into account. One of these is 'external appearance'; There have been contradictory interpretations of this by the Planning Inspectorate. In the appeal that was allowed the Inspector concluded that the permitted development right established the principle of additional height and therefore impact of this height on the wider street scene could not be taken into account. However, the majority of Inspectors are now concluding that impact on wider street scene can be considered and are dismissing appeals on that basis. Officers support this approach and are referring to these decisions in subsequent determinations.
- 5.9. There has been one appeal decision relating to an application refused by Planning Committee, land rear of 37 Livingstone Road. This was a backland development for five homes. There were five reasons for refusal; fire safety, character & appearance, future living conditions, overlooking/privacy and external lighting.
- 5.10. The appeal was dismissed. However, the Inspector did not accept all of the Council's reasons for refusal. On fire safety the Inspector noted that the access was not wide enough for a fire appliance, but that use of sprinklers was an acceptable mitigation. The development fell short of the external amenity space requirement, but the Inspector concluded that the irregularly shaped and constrained site made full provision difficult and noted that there were parks within walking distance. The applicant had proposed oriel windows (on the rear first floor elevation), with one pane obscured to reduce overlooking, which the Inspector concluded would provide an acceptable outlook, sufficient daylight. The proposed lighting was not considered to be harmful.
- 5.11. However, the Inspector concluded that the development fell well short of the 20m separation distance from habitable windows and the 5m set back from the boundary and that existing residents would suffer a loss of privacy in the rear gardens. They therefore dismissed the appeal on this matter only.
- 5.12. As stated above there is also an ongoing appeal against Planning Committee refusal of the redevelopment of 480 Larkshall Road.

Resources

- 5.13. As with many other local planning authorities the Council is experiencing difficulties in recruiting Planners, particularly those with more experience. This is due to a range of factors, including flexible working options enabling planners to work across a much wider geographic area, and extremely buoyant and lucrative agency market, and reduction in planners entering the profession 5 – 10 years ago.
- 5.14. However, the Council has recently recruited two graduates and offered jobs to two more. Recruitment at this level and providing a training plan

and route to RTPI chartered membership has been fruitful and will form the basis of an ongoing staff development and retention strategy.

- 5.15. In addition the Council has promoted a number of internal candidates to more senior positions. Providing opportunities for career progression has also helped retain staff.
- 5.16. Officers are also giving consideration to offering market supplements to retain and recruit staff, provided it can be self-financed from fee income.
- 5.17. In addition Officers have been reviewing working practices to identify potential for more efficient working. Officers have recently introduced a fast track process for dealing with householder applications and lawful development certificates (proposed), with one day a week set aside to prioritise determination. The intention is that these applications will be determined as soon as possible after the statutory consultation period has expired.
- 5.18. The process was trialled in the North Area Team and has now been rolled out to the South Team.

5. CONCLUSION

- 5.1 The Planning Service is performing well against national performance criteria. The success rate at appeal is in line with the national average. The Development Management Team is experiencing sector wide difficulties with recruitment in permanent staff, but has put in measures to mitigate this.

BACKGROUND INFORMATION (as defined by Local Government (Access to Information) Act 1985)

None