

Committee: Ordinary Council	Date: 8 December 2021
Subject: Planning and Licensing Committee Chairs Update	Wards affected: All
Chair: Cllr Thomas Bridge	
Report of: Phil Drane, Corporate Director – Planning & Economy	For information

PLANNING DEVELOPMENT MANAGEMENT

Applications and performance

The number of applications, using the broadest measure (i.e. relating to all types of applications) received so far this financial year is the highest since 2014, when data was first recorded in a comparable way. This increase began in summer 2020 following a significant decline in April 2020, which was very likely pandemic related and short-lived. Currently the increase is 19% up on the number of applications received by the same time last year. Although the rate of increase has recently slowed, total numbers remain higher at 177 up in October 2021 compared to this time last year. Likewise, the number of applications in the narrower measure of applications (FUL, LBC etc) is also the highest for all years since 2014, and is 18% up on the same time last year.

For several years now, the percentage of planning applications decided within statutory deadlines has remained at the highest levels recorded for the Development Management service. The Department for Levelling Up, Housing and Communities recently published planning performance figures for quarter one of 2021/22 (April to June 2021), setting out the percentage of applications determined (taking all types together) in time for all local planning authorities in England (455 total).

Table 1 below is an extract of this data ranked by percentage determined in time and then by total decisions (for all top performing authorities achieving between 98%-100%). As can be seen, according to this order Brentwood ranks 33rd in England at 98%, and fourth in Essex (Thurrock at 100%, Castle Point and Harlow at 99% rank higher). It is noticeable that Brentwood deals with a high number of total applications when compared with other authorities. It is also clear which authorities are in Green Belt areas when considering the percentage of granted applications, i.e. Green Belt authorities tend to have lower percentages of granted applications (around 70%-80%) compared with non-Green Belt authorities (mainly achieving upwards of 90%).

Monitoring the percentage of granted applications is now particularly important that the Council has added this to its Key Performance Indicators. In future, as the Planning Development Management Team transition to using new policies in the Local Development Plan (subject to soundness), this will be a useful measure of the positive response to growth and the quality of development proposals.

Table 1: Planning applications in England April – June 2021 (Q1 2021/22)				
Local Planning Authority	Total decisions	Total granted	% granted	% decided in time
1. Wokingham	465	421	91%	100%
2. Rotherham	350	322	92%	100%
3. Bury	302	285	94%	100%
4. St Helens	254	235	93%	100%
5. Thurrock	232	172	74%	100%
6. LB Barking & Dagenham	228	144	63%	100%
7. Dartmoor National Park	128	117	91%	100%
8. Hartlepool	96	86	90%	100%
9. Tamworth	84	76	90%	100%
10. Northumberland National Park	8	8	100%	100%
11. Old Oak and Park Royal Development Corporation	7	7	100%	100%
12. Mid Sussex	510	488	96%	99%
13. Maidstone	431	338	78%	99%
14. Dudley	387	347	90%	99%
15. North Tyneside	291	277	95%	99%
16. Swindon	283	256	90%	99%
17. LB Newham	273	218	80%	99%
18. West Lindsey	264	240	91%	99%
19. Telford & Wrekin	243	233	96%	99%
20. Spelthorne	209	182	87%	99%
21. Newcastle-under-Lyme	199	193	97%	99%
22. Castle Point	194	143	74%	99%
23. Watford	186	123	66%	99%
24. North East Lincolnshire	181	173	96%	99%
25. Adur	165	155	94%	99%
26. Harlow	111	96	86%	99%
27. Babergh	398	366	92%	98%
28. Coventry	391	346	88%	98%
29. West Suffolk	390	358	92%	98%
30. Wigan	356	316	89%	98%
31. East Lindsey	325	310	95%	98%
32. Fareham	321	310	97%	98%
33. Brentwood	300	229	76%	98%
34. Amber Valley	268	256	96%	98%
35. Chorley	203	184	91%	98%
36. Knowsley	166	165	99%	98%
37. Broads Authority	45	43	96%	98%

Source: Planning Application Statistics – Department for Levelling Up, Housing and Communities, <https://www.gov.uk/government/collections/planning-applications-statistics#2021>

Decision-making

Since January 2020, 45 applications have been determined by the committee, of which 17 decisions have been contrary to recommendation (38%). Eight of those overturned applications were recommended for approval but refused, and nine with recommendations for refusal were approved. A further application for listed building consent was refused on officer advice as the associated planning application had been refused contrary to recommendation.

It is acceptable in principle for the committee to disagree with an officer recommendation, particularly where matters are finely balanced, though it would be expected to be a rare occurrence. This can have an impact on the pre-application service and the confidence of applicants, as well as appeals performance. Therefore, it is important that it is kept under review.

Appeals

As regularly reported in this briefing, the Secretary of State operates a 'quality' measure of planning decisions. Like the measures for speed, these are assessed as two types: Majors and 'non Majors'. The measure assesses the number of allowed appeals as a percentage of all applications of that type determined by the local planning authority in the previous two years. This assesses the decision failure rate, what the Government may consider to be poor or bad decisions. The threshold for concern is 10% (i.e. the loss rate should not exceed this level).

Currently three major appeals have been lost in the qualifying period that ends in December 2021. This is under the 10% threshold, the last national figures were 7.1% published in September 2021, based on 42 major application decisions. The applications relating to those appeal cases were determined in 2019 (two) and a non-determination appeal (one) submitted last year and determined earlier this year.

Looking at appeals on a more basic allowed/dismissed level, the percentage of appeals lost rose to 50%. However, this isn't the measure that the Government considers to be important.

An overview of recent appeal decisions and performance is due to be brought to the committee for information in December as part of regular updates.

Planning Enforcement

The committee was presented with an information item on Planning Enforcement activity in the period between January and September 2021. This is part of a regular series of updates, for which going forward will be more frequently presented to the committee.

The update included an overview of the number of cases on hand with the team closing 63 initial investigations in addition to the 92 full investigations closed during this time. Although the number of Enforcement Notices issued has reduced, this should be interpreted as the team succeeding in achieving more resolutions and

regularisations of the breaches identified. This is achieved through effective negotiations, liaison with other departments, residents (both owners and complainants) and agents. An update was also provided on recent legal action that the team has been involved with.

PLANNING POLICY

Having held hearing sessions through 2021 as part of the Local Plan examination process, a Main Modifications consultation recently concluded on 11 November following the statutory minimum six-week length. Main modifications are those necessary amendments to make the plan sound according to the requirements of the appointed planning inspectors.

Approximately 330 individuals or organisations responded to the consultation. These representations are currently being collated to be passed to the planning inspectors for consideration as part of the examination. The outcome of such consideration will inform the inspectors' letter confirming whether the plan is sound or not. If it is sound, the Council can decide whether to adopt the plan. Subject to soundness confirmation, it is expected that a recommendation will be brought to the Council for decision in early 2022.

The Policy, Resources and Economic Development Committee chairs update includes information on recent decisions to approve the Ingatestone and Fryerning Neighbourhood Plan as part of Regulation 15 and next stages towards adoption, and a response to the recent Southend Local Plan Regulation 18 consultation.

LICENSING

Since the reopening of the hospitality industry and night-time economy following COVID-19 restrictions, the Licensing Team has been busy over the past five months with increased applications and requests. There has been nine Licensing Sub Committees held to consider a variety of matters, which have included:

- Temporary Event Notice applications for events where the Police and/or Environmental Health has objected to an event taking place without any conditions being applied;
- Consideration of two personal licences where the licence holders have been convicted of relevant offences;
- A new application for a late night refreshment premises in Brentwood High Street where concerns around public safety and noise were considered;
- Review of the Brave Nelson Public House licence following a breach of conditions that had been imposed on their licence months earlier by a previous committee, which related to the use of the beer garden following noise complaints; and
- The suitability of a taxi driver to hold a licence following allegations of a refusal to take a wheelchair user.