

Committee: Ordinary Council	Date: 27 July 2022
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 in 2021/22 was the second 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 number of applications received is slightly lower than by the same time last year. Likewise, the number of applications received last year in the narrower measure of applications (FUL, LBC etc) was also the second highest for all years since 2014, but has reduced so far this year.

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

Members will recall that in 2020/21, Brentwood Borough Council ranked 16th nationally according to the speed of applications decided in time and total number of decisions, and third in Essex. Statistics for 2021/22 have now been published and these show that the total of applications decided in time remains at 98%, once again ranking in the top 20 nationwide according to these measures. The data shows that the council improved to 13th nationally and maintained its position as third in Essex.

Comparing 2020/21 with 2021/22, we have seen an increase of over 200 total decisions, going up from 971 to 1,200 decisions. There has been an increase of 5% in the percentage of total granted decisions, going up from 75% to 80%. Monitoring the percentage of granted applications is now particularly important that the council has added this to its Key Performance Indicators. With the adoption of a new local plan, this will be a useful measure of the positive response to growth and the quality of development proposals.

Table 1 below is an extract of this data ranked by percentage decided in time and then by total decisions (for all top performing authorities achieving between 98%-100%). The government publish this information as part of its planning application statistics dataset, and so whilst this is ordered according to percentage decided in time, beyond that there are no further rankings.

Table 1: DLUHC planning applications in England 2021/22				
Local Planning Authority	Total decisions	Total granted	% granted	% decided in time
1. Rotherham	1,194	953	80%	100%
2. Thurrock	1,091	760	70%	100%
3. North Tyneside	1,008	967	96%	100%
4. Barking & Dagenham	908	586	65%	100%
5. St Helens	838	784	94%	100%
6. North East Lincolnshire	625	589	94%	100%
7. Hartlepool	370	335	91%	100%
8. Northumberland National Park	53	51	96%	100%
9. Wokingham	1,829	1,603	88%	99%
10. Mid Sussex	1,706	1,610	94%	99%
11. Southend-on-Sea	1,513	1,159	77%	99%
12. Dudley	1,368	1,189	87%	99%
13. Brentwood	1,200	958	80%	99%
14. Chorley	809	749	93%	99%
15. Castle Point	673	510	76%	99%
16. Knowsley	503	494	98%	99%
17. Copeland	381	374	98%	99%
18. Maidstone	1,763	1,414	80%	98%
19. West Suffolk	1,385	1,274	92%	98%
20. Babergh	1,302	1,189	91%	98%
21. Newham	1,112	1,923	82%	98%
22. Fareham	1,088	1,054	97%	98%
23. Telford & Wrekin	924	878	95%	98%
24. West Lindsey	897	802	89%	98%
25. Newcastle-under-Lyme	661	633	96%	98%

As can be seen, according to this order Brentwood ranks 13th in England at 99%, and third in Essex (Thurrock and Southend at 100%). It is noticeable that Brentwood deals with a high number of total applications when compared with most other authorities nationwide achieving the highest levels of applications decided in time. Further context for the total number of decisions can be seen when comparing all Essex authorities (Table 2).

Table 2 sets out this data for all 14 Essex local planning authorities, again ranked by percentage decided in time and then by total decisions. In terms of total number of decisions, if ranking Essex authorities the top three would be Chelmsford (1,939 decisions), Uttlesford (1,727) and Epping Forest (1,708). Brentwood would rank in the middle (7th).

In terms of the percentage of decisions granted, there is a clear difference between those authorities within London's Metropolitan Green Belt, i.e. those authorities wholly within Green Belt generally see a lower percentage of decisions granted whereas those outside the Green Belt (or with some Green Belt) generally have higher levels of decisions granted. Out of Essex authorities wholly within Green Belt,

Brentwood has the highest percentage approvals alongside Rochford District Council (80%).

Local Planning Authority	Total decisions	Total granted	% granted	% decided in time
1. Thurrock	1,091	760	70%	100%
2. Southend-on-Sea	1,513	1,159	77%	99%
3. Brentwood	1,200	958	80%	99%
4. Castle Point	673	510	76%	99%
5. Colchester	1,641	1,453	89%	96%
6. Harlow	389	333	86%	95%
7. Chelmsford	1,939	1,666	86%	94%
8. Maldon	759	505	67%	93%
9. Braintree	1,560	1,304	84%	89%
10. Uttlesford	1,727	1,292	75%	87%
11. Epping Forest	1,708	1,223	72%	85%
12. Basildon	1,030	743	72%	80%
13. Tendring	1,162	1,074	92%	76%
14. Rochford	824	659	80%	74%

Decision-making

Since January 2020, 56 applications have been determined by the Planning & Licensing Committee, of which 20 decisions have been contrary to recommendation (36%). Eight of those overturned recommended were for approval but refused, and 12 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 by the committee 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. Contrary decisions can have an impact on the pre-application service and the confidence of applicants, as well as appeal performance. Therefore, it is important that it is kept under review.

The Planning & Licensing Committee has so far met once in the new municipal year, on 28 June 2022.

From 2022/23 onwards the committee will split planning and licensing items so that the committee convenes to consider any licensing items first, and then concludes before starting again for planning items. The committee membership is the same for both licensing and planning parts.

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 one major appeal has been lost in the qualifying period that ends in December 2022. This was a non-determination appeal submitted in 2020 and determined last year. This is under a long way below the 10% threshold (ie 2.8%) based on 35 major application decisions.

Looking at appeals on a more basic allowed/dismissed level, the percentage of appeals lost fell to 37%. However, this isn't the measure that the Government considers to be important.

An overview of recent appeal decisions and performance is regularly reported to the Planning and Licencing committee for information, the most recent brought to the committee for information on 28 June 2022.

Planning Enforcement

A regular series of updates are presented to the Planning and Licencing Committee. In the year 2021/22, 99 enforcement cases were opened and 107 were closed. However, prior to opening an enforcement case each referral is assessed to see if it a potential breach of planning control rather than a non enforcement matter. This assessment carries with it a level of work not reflected in the figure of opened cases.

PLANNING POLICY

Plan-making

A major milestone was met when the council adopted its new Local Plan on 23 March 2022 (Item 373, Extraordinary Council). This includes new planning polices for the management of development in the borough and allocations for new development sites to meet local residential and employment needs.

This followed a successful examination process where the appointed inspectors concluded that the plan was sound subject to certain modifications. One of these modifications was to review the plan immediately and submit this for examination within 28 months of adoption (i.e. by the 31 July 2024).

The wider planning service is now using the new policies in the plan. It is accepted that this will be a learning curve for officers and members, but this provides the council with the tools to implement corporate objectives through up-to-date planning policy.

Local Plan timetable (Local Development Scheme 2022-2025)

An update on a new timetable for the local plan review and related planning documents, is provided in the chairs update for Policy, Resources and Economic Development Committee. This includes timeframes for adopting a Community Infrastructure Levy (CIL) for the borough and planning guidance.

Dunton Hills Garden Village

Dunton Hills Garden Village was allocated for development in the new local plan (i.e. removed from the Green Belt). An outline planning application had been submitted before adoption of the plan, as programmed with the applicant / development partner (application reference 21/01525/OUT). An update on the planning application was provided to Planning & Licensing Committee on 15 March 2022 (Item 356).

Neighbourhood planning

An update on the Ingatestone & Fryerning Neighbourhood Plan is provided in the chairs update for Policy, Resources and Economic Development Committee.

LICENSING

As above, from 2022/23 the committee will consider licensing and planning items separately. So far, the Planning & Licensing Committee has convened once to consider licensing items (28 June 2022). This was to consider an item on fee setting for hackney carriage fares. This followed a request from representatives of the hackney carriage trade for an increase in the Taxi Fare. The committee approved that a public consultation begin in accordance with statutory requirements on this proposed fare increase.

The consultation is now underway, being carried out in accordance with the requirements contained within Section 65, Local Government (Miscellaneous Provisions) Act 1976. If representations are received, these will be presented to the committee for consideration.