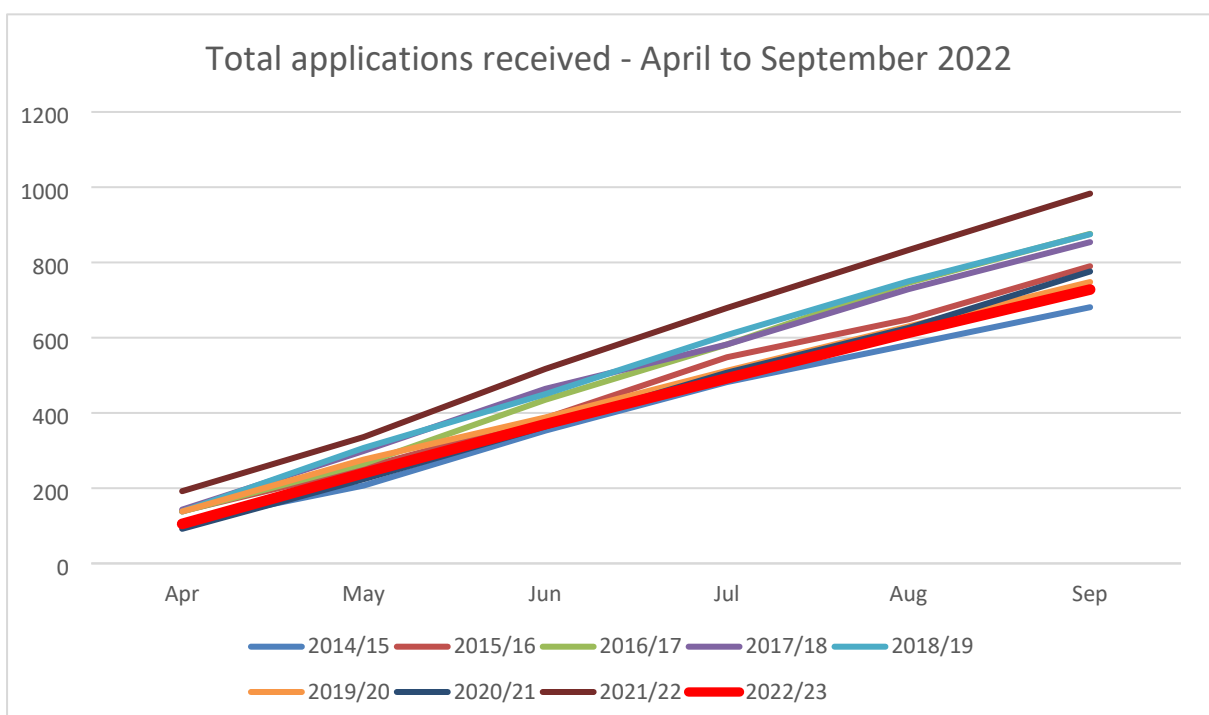


Committee: Ordinary Council	Date: 2 November 2022
Subject: Planning and Licensing Committee Chairs Update	Wards affected: All
Chair: Cllr Sandy Tanner (from October 2022)	
Report of: Phil Drane, Corporate Director – Planning & Economy	For information

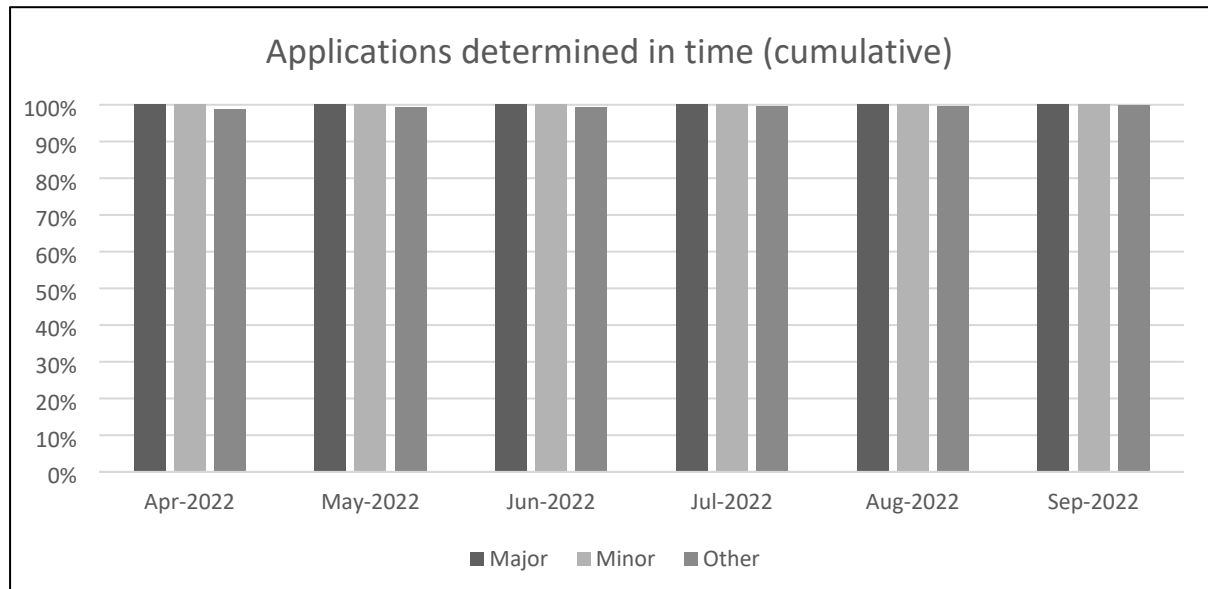
PLANNING DEVELOPMENT MANAGEMENT

Applications and performance

The number of applications received, using the broadest measure (i.e. relating to all types of applications) for the whole year 2021/22 was the second highest since 2014, when data was first recorded in a comparable way. The increase began in summer 2020 following a significant decline in April 2020, which was very likely pandemic related and short-lived. The total number of application received in 2021/22 was 3% up on the previous year, due largely to a spike in the early part of that period since when the number of application has softened. So far during 2022, the number of applications has continued to reduce, currently being approximately 26% down on 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 and is down by approximately 29%. The following graph compares the total number of applications received for each year since 2014. This shows 2022 to currently be the second lowest number of applications received up until September compared with previous years. This is likely to be caused at least in part by the cost of living crisis and will continue to be monitored.



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 and comparable to the best nationwide. In the previous Chairs Update report this was shown according to national rankings compiled by the Government. The following table sets out performance so far in 2022 for applications determined in time.



Decision-making

Since January 2020, sixty seven applications have been determined by the Planning & Licensing Committee, of which twenty four decisions have been contrary to recommendation (36%). Eight of those overturned recommended were for approval but refused, and fifteen 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.

Although it is acceptable in principle for the committee to disagree with an officer recommendation, particularly where matters are finely balanced, it would be expected to be a rare occurrence, particularly with a recently adopted local plan. The local plan was adopted in March 2022 and since then of the fifteen applications determined, five applications (i.e. a third) were determined contrary to recommendation – all approvals when the recommendation was refusal. Contrary decisions can have an impact on the pre-application service and the confidence of applicants in the views of officers, as well as appeal performance, though that would be in the context of decisions for refusal. For these reason, it is important to keep it under review.

The Planning & Licensing Committee has so far met four times in the new municipal year (since May 2022). The committee has 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.

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 (i.e. 2.8%) based on 35 major application decisions.

Looking at appeals on a more basic allowed/dismissed level, the percentage of appeals lost this financial year (to end of September) has fallen to 17% (two decisions). 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, most recently on 29 September 2022.

Planning Enforcement

A regular series of updates are presented to the Planning and Licencing Committee. In the year to date, 46 enforcement cases were opened and 46 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. An overview of Planning Enforcement activity is regularly reported to the Planning and Licencing committee for information, with the next update due soon.

PLANNING POLICY

An update on supporting documents, such as the Ingatestone & Fryerning Neighbourhood Plan and Community Infrastructure Levy (CIL), is provided in the Chairs Update report for Policy, Resources and Economic Development Committee.