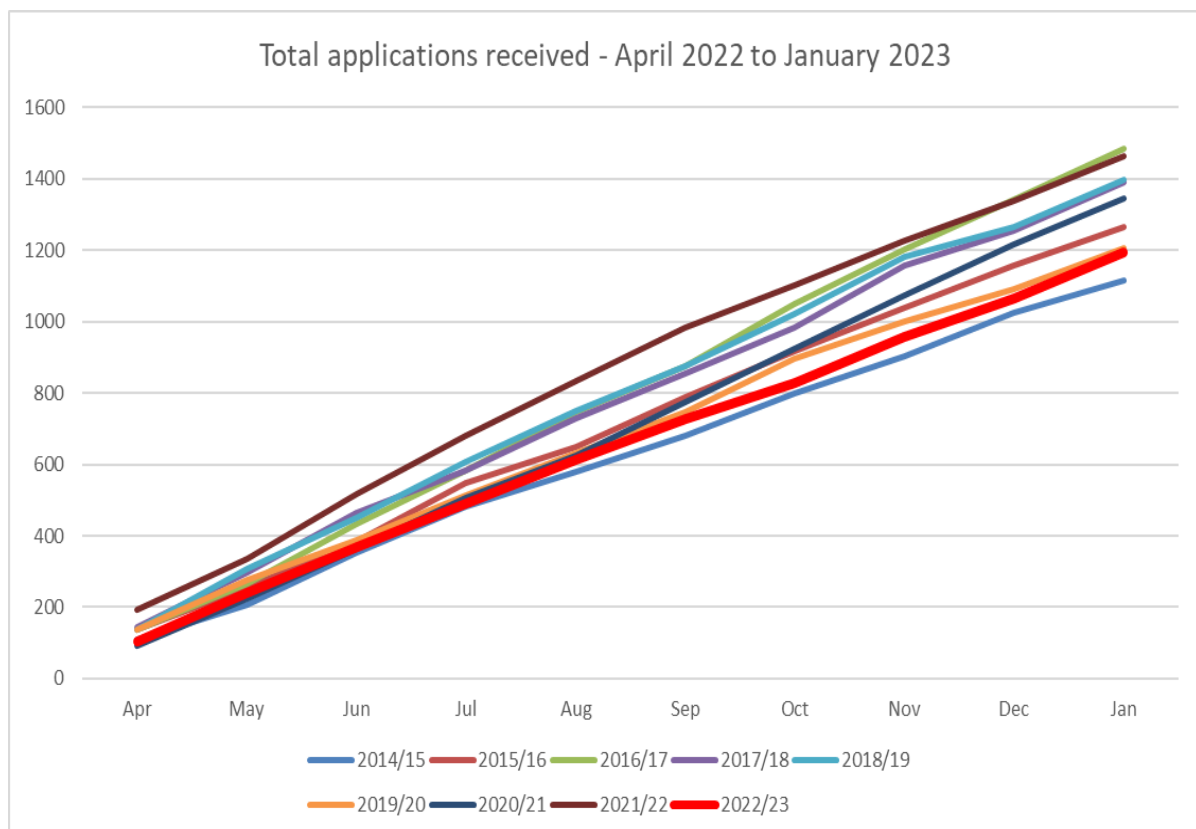


Committee: Ordinary Council	Date: 1 March 2023
Subject: Planning and Licensing Committee Chairs Update	Wards affected: All
Chair: Cllr Sandy Tanner	
Report of: Phil Drane, Corporate Director – Planning & Economy	For information

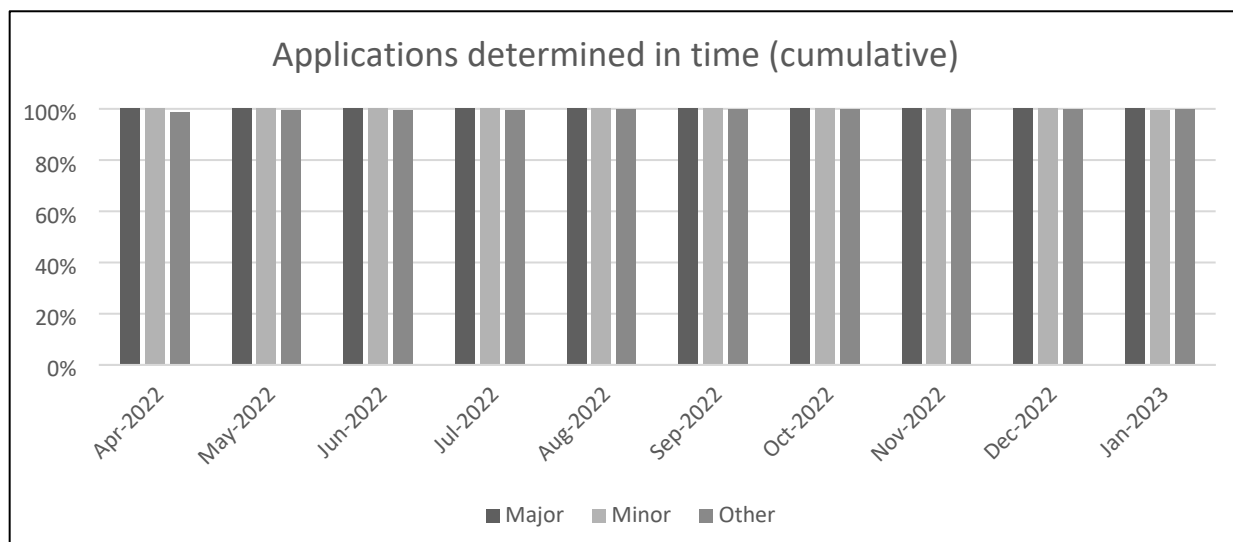
PLANNING DEVELOPMENT MANAGEMENT

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. Since that time the number of applications has reduced, currently being approximately 18% 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 and has reduced so far this year and is currently down by approximately 22%. The following graph compares the total number of applications received for each year since 2014. This shows 2022/23 to currently be the second lowest number of applications received up until January compared with previous years.



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. The following table sets out performance so far in 2022/3 for applications determined in time.



Decision-making

Since January 2020, 80 applications have been determined by the Planning & Licensing Committee, of which 28 decisions have been contrary to recommendation (35%). Eight of those overturned recommendations were for approval but refused, and 19 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.

Since the local plan was adopted in March 2022, 28 applications have been determined by the committee. Nine (i.e. 32%) were determined contrary to recommendation – eight approvals when the recommendation was refusal, and one refusal when the recommendation was for approval.

The Planning & Licensing Committee has so far met eight times in the 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).

Two major appeals have been lost in the qualifying period that ends in December 2022. One was a non-determination appeal for a large residential development in Ingatestone submitted in 2020 and allowed on appeal last year. The second was the recent decision (February 2023) to allow development of a Lidl supermarket at the former Wates Way industrial estate in Brentwood. This involved the part award of costs for two reasons for refusal, which in summary were the impact of increased air pollution for resulting vehicle journeys and the implementation of street signage to facilitate the access junction. Overall the inspector was satisfied that the development could be safely accommodated despite the highway authority (Essex County Council) objection. A more detailed summary of the decision and next steps is to be presented to the committee on 22 March 2023 as part of the regular appeals overview. The two major appeals lost in this period is under the 10% threshold set by government (i.e. 5.7%) 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 January) is about a third, since when several dismissed appeals have been received. 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 Licensing committee for information, most recently in January 2023 and with a further update to be presented on 22 March 2023.

Planning Enforcement

A regular series of updates are presented to the Planning and Licencing Committee. In the year 2022, 79 enforcement cases were opened and 102 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.