

**Strategic Planning,  
Sustainability &  
Transportation Committee**

**13 June 2017**

**Maidstone Borough Council Planning Service  
Performance Statistics, 2016/17**

<b>Final Decision-Maker</b>	Strategic Planning, Sustainability and Transportation Committee
<b>Lead Head of Service</b>	Rob Jarman, Head of Planning & Development
<b>Lead Officer; Report Author</b>	Tay Arnold, Business Manager; Cheryl Parks, Project Manager, Local Plan
<b>Classification</b>	Public
<b>Wards affected</b>	All wards

**This report makes the following recommendations to the final decision-maker:**

1. This report is provided for information only.

**This report relates to the following corporate priorities:**

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough

Planning is a customer-facing service that generates both costs to the Council, and also income. Consideration of development applications helps to shape the future of the borough, including ensuring suitable design and quantum to meet future needs. By monitoring performance it is possible to work towards the most efficient and cost-effective running of the service, and to ensure the perception of the service by external audiences is positive.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Strategic Planning, Sustainability and Transportation Committee	11 July 2017

# Maidstone Borough Council Planning Service Performance Statistics, 2016/17

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report has been written to support the provision of data and statistics for key delivery areas within the planning service. A significant number of detailed indicators are monitored and reported regularly.
- 1.2 The data presented in this report illustrates high work volumes across the department and strong performance, well in excess of nationally set targets. Where there are areas of performance that could be improved, these have been identified as priorities for the next year and should see steady improvement as a result.
- 1.3 The report also highlights areas of particular risk to the service. A quarterly update of the key performance data will be brought to Strategic Planning, Sustainability and Transportation Committee informing members on current planning performance.

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## 2. INTRODUCTION AND BACKGROUND

- 2.1 Performance management and data provision for the planning service sits as a responsibility with the Business Manager, Tay Arnold.
- 2.2 Data collected for the service covers a number of different work areas from validation in the Planning Support team, through to determination of applications in Development Management. It also covers areas including S106, pre-application advice and enforcement. The data is measured against internal targets and performance indicators as well as nationally set targets.

Application type	Time to determine	Current Target (2 years to 09/2016); measured 2017	New target (2 years 10/15 – 09/17); measured 2018
Major	13 weeks	50%	60%
Non Major	8 weeks	65%	70%

**Table 1: Targets for determining applications**

- 2.3 There are also quality based targets which are measured through appeals performance data. For both 'Major Development' and 'Non-major Development' the benchmark is no more than 10% of appeals allowed as a

% of decisions made. In both cases this will be next be assessed in 2018, using data from the designated assessment period during 2016/17.

- 2.4 Where these targets are not met, the Local Planning Authority can be placed in special measures by the Government. When it is anticipated that the determination target is not going to be met an Extension of Time (EOT) can be agreed with the applicant. When an application has not been determined after 6 months the applicant can request a planning application fee refund where there has been no EOT.

#### Quarter Four and YTD 2016/17 data

- 2.5 This report provides information on a number of unit areas to highlight the performance of the department in quarter 4, and across the full year 2016/17. Supporting information and graphical representations are included in the Appendices to this report.
- 2.6 Across the department during 2016/17, income generation from planning advice and application fees totalled £1,481,422 compared to £1,495,349 for 2015/16.

#### Pre-application advice

- 2.7 Pre-application advice is a chargeable service. It affords officers an opportunity to shape development at an early stage and as well as allowing applicants the opportunity to explore options and understand local policy constraints.
- 2.8 The volume of pre-applications received increased during quarter 4 of 2016/17, but this is set against a lower than expected number in quarter 3. Across the full year, numbers are very comparable to those seen in the previous full year. (See Appendix 1, Figure 1.1) An area of particular increase in quarter 4 was for Major applications (Figure 1.2).
- 2.9 In purely financial terms this is of benefit because of the greater likelihood of the pre-app taking the form of a meeting, which generates a higher fee. There are also benefits for both parties in being able to discuss and negotiate elements of design and material use for example. Developers can ensure they are up-to-date on policy requirements which may assist the subsequent application process to run more smoothly, and most importantly officers can gain greater certainty of delivery of development which is an important component of five-year supply calculations and also supports the government drive for housebuilding.
- 2.10 The income from pre-application advice fees received during both 2015/16 and 2016/17 is shown in the table below, and illustrates the value of major pre-applications.

Year	Major pre-app fees	Non-major pre-app fees	Total pre-app fees
2015/16	£66,365	£43,465	£109,830
2016/17	£86,399	£49,910	£136,309

**Table 2: Pre-application fees (gross) breakdown (excluding PPAs) sourced from Uniform**

2.11 A particular area of focus has been the turnaround time on pre-application advice responses by officers. 2016/17 saw steadily improving performance in this area both in comparison to 2015/16 and also across the business year. This will be a priority area in 2017/18 for further improvement in the service provided.

#### Planning applications and determination information

2.12 The volume of applications received has shown a year-on-year increase for the last four years. This can be illustrated by the chart at Figure 2.2 in Appendix 2.

2.13 The determination of applications within time is a nationally measured indicator, and Local Planning Authorities who miss the targets can be placed into special measures by DCLG. The targets, set out in paragraph 2.3 above were exceeded for all application types and in all quarters. (See Appendix 2, Figure 2.3). Of the 1,688 determined applications in 2016/17, 1,571 (93%) were determined within time.

2.14 There will always be a discrepancy in the numbers of applications received and those determined, which is explained by the time required to determine these, and also because a small number are withdrawn or returned and subsequently never determined.

#### Planning appeals

2.15 Maidstone has been seeing high levels of appeals in recent years, especially when comparing numbers with other Kent Planning Authorities. Table 3, below, illustrates the numbers of appeals by Local Authority, as well as the success rate for the whole of 2015/16. Sevenoaks was the only other Authority to deal with a similar quantum, however as a Green Belt Authority it is not directly comparable to Maidstone. A more comparable Authority would be Ashford, which saw only half the number of appeals compared to Maidstone.

Authority	2015/16	
	Total	% success
Shepway	7	85.71
Gravesham	23	91.30
Dartford	25	44.00
Thanet	28	64.29
Dover	30	83.33
Ashford	35	40.00

Canterbury	35	65.71
Tun Wells	40	67.50
Ton & Mall	48	43.75
Medway	49	75.51
Swale	51	45.10
Maidstone	75	78.67
Sevenoaks	79	78.48

**Table 3: Appeals Comparisons 2015/16 (Source DCLG / PINS)**

2.16 Appendix 3, Figure 3.1 illustrates the appeals data. Overall in 2016/17 of the 91 appeals heard, 67 (74%) were dismissed.

2.17 Appeals are resource intensive and can be costly, so the high number dealt with has a big impact on the ability to meet other performance targets. The overall performance in this regard is good, especially considering the high volumes.

2.18 It is difficult to predict the actual costs of appeals, and there are multiple elements of costs, including legal and specialist officer resources, costs awards, and so on.

#### Enforcement

2.19 The Planning Enforcement service is an integral component of the planning system. The Enforcement Team see high numbers of cases reported every year, but after investigation many of these result in no further action being taken because it is found that no breach has taken place. When considering the enforcement protocol officers must be certain that any action proposed to be taken is both proportionate and in the public interest.

2.20 In 2016/17 543 cases were lodged, compared to 459 in 2015/16. The average time taken to close a case down during 2016/17 was 33 days. Of the 543 cases lodged during 2016/17, 26 resulted in formal action being taken. This action can take the form of a number of different notices or applications for injunction and is illustrated in more detail in Appendix 4, Figure 4.1.

#### Heritage, Landscape and Design

2.21 In the full year 2016/17, the HLD Team received a total of 265 applications relating to Trees and Tree Preservation. Input into 162 listed building applications was also required. When consulted on major applications, against a local target of 80% to be dealt with in 28 days, the cumulative percentage for the year was 84.17%

#### S106 agreements

2.22 Data monitoring of S106 agreements sits jointly with both the Planning department and also with Mid-Kent Legal Services (MKLS).

2.23 Although much progress has been made with MKLS, the monitoring of S106 cases is still a work in progress. Discussions have been held between officers to enable further improvements to be made in this area and to allow for the data to be produced in a timelier manner. This is an identified priority area for 2017/18.

2.24 At 17 March 2017 MKLS officers had 52 open cases for Maidstone, of which 38 were directly related to S106, Unilateral Undertakings or Deeds of Variation. The breakdown of this total is as follows: S106 being dealt with in-house = 13; S106 being dealt with by external providers = 4; Unilateral Undertakings = 2; Deeds of Variation = 10; Supplementary Agreements = 1; Other S106 related matters (appeals, variations etc.) = 8. On this data, the average time to complete and close a S106 case was 293 days. Of these open cases, 15 had been open for greater than 6 months.

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### **3. AVAILABLE OPTIONS**

3.1 This report is provided for information only.

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### **4 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

4.1 This report is provided for information only.

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### **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

5.1 This Committee has been provided regular updates to Key Performance Indicators in a corporate context by the Policy and Information Team.

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### **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

6.1 It is anticipated that quarterly data reporting will be presented at future meetings of this Committee.

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### **7. CROSS CUTTING ISSUES**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	Planning is a customer-facing service that generates both costs to the Council, and also income. Consideration of development	Rob Jarman, Head of Planning & Development

	<p>applications helps to shape the future of the borough, including ensuring suitable design and quantum to meet future needs. By monitoring performance it is possible to work towards the most efficient and cost-effective running of the service, and to ensure the perception of the service by external audiences is positive.</p>	
<b>Risk Management</b>	<p>There is little risk as a direct result of this report. By monitoring performance regularly any potential risks can be identified early and mitigated / avoided.</p>	<p>Rob Jarman, Head of Planning &amp; Development</p>
<b>Financial</b>	<p>The budget and actual figures for planning advice and application fees for 2016/17 were £1,455,530 and £1,481,420 respectively. The budget for the cost of appeals was £119,410 with a cost of £233,501 for the same period.</p>	<p>Mark Green, Section 151 Officer, and Finance Team</p>
<b>Staffing</b>	<p>Performance reporting is the responsibility of the Business Manager. For the duration of the Planning Review the work is being undertaken by Cheryl Parks.</p>	<p>Rob Jarman, Head of Planning &amp; Development</p>
<b>Legal</b>	<p>A number of the performance indicators cut across both Planning and Legal, and will be worked on jointly to maximise efficiencies. Seeking legal advice and early intervention can mitigate against the risk of costly and resource intensive appeals.</p>	<p>Estelle Culligan, Acting Head of Mid Kent Legal Services</p>
<b>Equality Impact Needs Assessment</b>	<p>There are no issues in relation to this report.</p>	<p>Anna Collier, Policy &amp; Information Manager</p>
<b>Environmental/Sustainable Development</b>	<p>There are no issues in relation to this report.</p>	<p>Rob Jarman, Head of Planning &amp; Development</p>
<b>Community Safety</b>	<p>There are no issues in relation to this report.</p>	<p>Rob Jarman, Head of Planning &amp; Development</p>
<b>Human Rights Act</b>	<p>There are no issues in relation to this report.</p>	<p>Rob Jarman, Head of Planning &amp;</p>

		Development
<b>Procurement</b>	There are no issues in relation to this report.	Rob Jarman, Head of Planning & Development & Mark Green, Section 151 Officer
<b>Asset Management</b>	There are no issues in relation to this report.	Rob Jarman, Head of Planning & Development

## 8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendices 1 to 4: Performance data, 2016/17.

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## 9. BACKGROUND PAPERS

There are none.