



Overview Scrutiny Committee

Planning Applications Topic Review

Report – April 2016

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Foreword

Planning applications are one thing that all Members receive comments and queries about from their constituents. As such, the Overview Scrutiny Committee felt that it would be beneficial to review the way in which the council processes its planning applications in order to ensure that the best service is being provided to the resident/applicant but also that the council is doing this in the most efficient manner.

In addition, the topic review has looked at upcoming changes to the planning process that are being consulted upon in order to add their thoughts and views for inclusion in the council's submission to government.

The discussions that have taken place have identified a number of potential improvements that could be made to the planning application process as well as potential financial savings for the council as a whole.

We would like to take this opportunity to thank the officers involved in the review for their time and assistance in providing comprehensive information which has enabled Members to discuss debate and identify potential improvements for consideration.

Cllr John Burden
Chair of the Sub-group

Cllr David Hurley
Vice-chair of the Sub-group

1. Introduction and Summary of Recommendations

1.1 In October 2015, the Overview Scrutiny Committee selected the subject of Planning Applications for a topic review. The terms of reference for the review focused on three workstreams :

- Workstream One
receiving regular performance information regarding the planning applications process enabling consideration of the impact of the recent improvement introduced to the service; making recommendations for further work/additional measures that need to be introduced as a result of reviewing the performance information.
- Workstream Two
Examine the 'key headlines' and options identified in the recent internal Service Review of the Planning Department. Select and monitor, for a period of 6 months, key recommendations from the Service Review.
- Workstream Three
Seek to understand the thrust of Government change (as required) in order to determine the impact this may have on the council.

Throughout the review, Members of the sub-group have been provided with a significant amount of information to review and analyse, which has prompted the further direction that the review has taken.

Summary of recommendations

1.2 In summary, the Scrutiny Topic review of Planning Applications has identified four recommendations for Cabinet consideration:

	RECOMMENDATION	Report page
1.	The Members of the Topic review sub-group continue to receive performance updates against the performance measures agreed up to September 2016 in order to monitor performance whilst the IDOX re-implementation is completed.	- 7 -
2.	It is recommended that the format of the planning reports is updated to provide a one-page summation which is then supported by more detailed information within the report.	- 7 -
3.	Cabinet support the findings of the Overview Scrutiny Committee in ceasing the provision of hard copy applications to the Parish Councils.	- 9 -

RECOMMENDATION	Report page
<p>4. Cabinet consider the thoughts of the Overview Scrutiny Committee in respect of the consultation and where appropriate, include these in the final submission to government on the <i>Implementation of Planning Changes</i> consultation.</p>	- 12 -

1.3 The detailed information to support these recommendations is held within the body of the report and referenced above.

2. Review Findings

Workstream One – Performance Data Analysis

- 2.1 At the first meeting of the sub-group, the Service Manager (Development Management) provided Members with an update on of the recent additions to progress reporting for the planning application process, and an update from the IDOX re-implementation. The team had recognised that there were some areas for concern in the planning application process and had already taken the following reporting processes to address this:
- 2.1.1 More detailed information for management on the progress of planning applications so that this can be better managed to ensure there are little if no delays in the validation process.
- 2.1.2 An ‘8-week’ report which provides a notification to management of any planning applications that are outstanding at week 7, i.e. before the statutory timescale has expired.
- 2.2 The introduction of these reports has undoubtedly helped to improve the council’s performance in respect of speed of processing planning applications.
- 2.3 The sub-group were also provided with an update on the IDOX Re-implementation which has been based upon a detailed action plan resulting from the Planning System Audit; this is monitored weekly by the Service Department and IT Services. Specific improvements to the systems and procedures as identified through the Planning system Audit are as follows:
- 2.3.1 switching to electronic consultation for external consultations (except for Parish Councils who still receive hard copies).
- 2.3.2 switching to electronic acknowledgement of receipt of an application
- 2.3.3 a reduction in double checking validation work (as a consequence of training staff)
- 2.3.4 automation of the weekly list.
- 2.4 Specifically in terms of performance, the sub-group were provided with the following performance reports for Members to review:
- 2.4.1 Planning 8-week report providing details of the applications that are at the 8-week stage;
- 2.4.2 Details of applications received (showing the various stages of validation);
- 2.4.3 Yearly appeals schedule providing details of the appeals that had been made and the outcomes of the appeals.
- 2.5 A detailed performance analysis over a 10-year period was also provided to the sub-group to enable Members to identify trends in performance but also see how Gravesham is comparing to a number of other local authorities both in Kent and across the country. The full analysis is contained at appendix one but some of the key headlines are as follows:

- 2.5.1 In terms of speed of processing of planning applications (major, minor and other), Gravesham performs well against its Kent and CIPFA nearest neighbour counterparts. In recent years, Gravesham has performed better than the Kent and CIPFA average in respect of processing of major applications.
- 2.5.2 Gravesham has a high proportion of planning applications that are delegated to officers, potentially reflecting the fact Gravesham generally receives a relatively low volume of major applications.
- 2.5.3 There are relatively low numbers of applications withdrawn, which can represent a cost to the service in terms of processing up until the point of withdrawal. Although not necessarily a reflection of service provision, the ambition should be wherever possible to be as close to zero as possible and Gravesham has consistently posted lower withdrawal rates than the Kent and CIPFA averages over the study period.
- 2.5.4 Gravesham presents outturns for the percentage of planning appeals being allowed below both the Kent and CIPFA district averages which indicates a good quality of original application decision making in Gravesham.

RECOMMENDATION 1

In order to monitor the ongoing activities associated with the IDOX re-implementation and the impact this (and other) changes have on performance, it is recommended that the Members of the Overview Scrutiny Committee sub-group continue to receive regular performance data (as set out in paragraph 2.4) in order to monitor the impact these changes have on performance.

During this period, the Members of the sub-group will be able to raise any questions or concerns they have about the performance data with the Service Manager (Development Management)

- 2.5.5 During the discussion about the IDOX Re-implementation, Members discussed the way in which the planning reports are currently written. It was felt that they are sometimes very lengthy and not as clear as they could be, which means that Members find it very difficult to understand and digest the reports. Suggestions were made as to how these reports could be improved moving forward.

RECOMMENDATION 2

It is recommended that the format of the planning reports is updated to provide a one-page summation which is then supported by more detailed information within the report.

It was felt that a one-page summary would provide the Members with the high-level information that they require and will be supported with the detail that is needed to ensure effective decision-making. In addition, a review of the way in which the detailed information is provided/presented would also be beneficial.

2.6 Through the discussion regarding the Planning Application process, it was identified that Parish Councils are the only statutory consultee to receive hard copies of all planning applications that are relevant to their area. All other statutory consultees receive the planning application information in electronic form. There is a cost associated with the printing of the planning applications and the figures below are based upon 2014-15:

- In 2014-15, 199 applications were sent to Parish Councils which required printing from the Planning Portal. The cost of printing and postage per application is as follows:

Printing and Paper	£13.00
Postage	£ 1.19
Collation	£ 5.65
	(inc. oncost)
TOTAL	£19.84

Therefore in 2014-15, the council spent a total of £3,948.16 on printing of Planning applications for Parish Councils.

- In addition, in 2014-15 the council also arranged the collation and postage of applications to Parish Councils where the applicant had provided hard copies; the council then sent these on to the relevant Parish Council as required. This equated to a further 606 applications with a cost as follows:

Collation	£0.94
Postage	£ 1.19
Print letter	£0.03
TOTAL	£2.16

Whilst the individual cost per application is not high, this equates to a further £1,308.96 spent on collating and providing Planning Application papers to the Parish Councils.

- In 2014-15, the council spent a total of **£5,257.12** in providing Planning Application papers to the Parish Councils and it is not anticipated that this will be any lower in future years.

2.7 Whilst Parish Councils are statutory consultees on a number of Planning Applications there is no statutory requirement to provide hard copies of the applications. In fact, they are the only statutory consultees receiving Planning Application information in this format and are actually receiving an enhanced service in comparison to other statutory consultees.

2.8 Article 2(2) of The Town & Country Planning (Development Management Procedure) (England) Order 2015 gives the rules for electronic communication and storage in the Planning application process and empowers authorities to switch to paperless consultation. The council has a permissive power to consult electronically; whilst plans must be sent local authorities are allowed to send these electronically.

2.9 It is understood that this is an issue that has previously been explored between the Parish Chairs and the Leader.

RECOMMENDATION 3

Cabinet support the findings of the Overview Scrutiny Committee in ceasing the provision of hard copy applications to the Parish Councils.

Given the challenging financial situation that is being faced by the council, savings should be made wherever possible and it is suggested that as this is an enhanced service for the Parish Councils, this is one area where savings could be made.

Potentially, the council could cease providing hard copies of the planning applications to the Parish Council or make a charge for the continued provision of this service to cover the costs to the council.

Workstream Two – Service Review Report Key headlines

- 2.10 At the time of writing this report, the Service Review of Planning and Regeneration has not been finalised. As such, this will be a continuing piece of work. A summary of the key headlines from the review will be presented to the Topic review sub-group once the report has been finalised.
- 2.11 However, it is worth noting that relevant outcomes from the Service Review Process have been fed into the Scrutiny Review process where appropriate, and have helped to shape the outcomes and recommendations. For example, the Service Review Process identified that opportunities existing for refining processes within the Development Management function, and in particular with regards to initial validation of planning applications. A positive action taken by the Planning team was to launch the re-implementation of the IDOX system, together with associated improvements in performance reporting. As outlined within the section entitled "Workstream One" of this report, these improvements have been extensively evaluated by the Overview Scrutiny Committee and working group, and it has been recognised that validation timescales are now significantly shorter, and typically only 1-2 days following receipt of applications.
- 2.12 What the Service Review Process also identified were opportunities taken by other authorities to reduce the cost associated with processing planning applications through an increased use of digital means for both receiving and corresponding in relation to planning applications. Again, the Scrutiny Committee have considered the progress being made by the Planning team in this regard, recognising that a significant proportion of planning applications are now received on-line, and the re-implementation of the IDOX system will further digitalise the steps undertaken when considering a planning application. As detailed above, the recommendation to cease providing hard copies of planning applications to all statutory consultees, including Parish Councils, is one area where other authorities have made savings, and was identified by the review process.

Workstream Three – Legislative changes to the Planning Process

2.13 Throughout the review, it has been the intention of officers to discuss with Members the proposed changes that are being introduced through the new Housing and Planning Bill. At the time of writing this report, the bill is currently at Committee Stage in the House of Lords.

2.14 There has been however, one technical consultation released by the department for Communities and Local Government (CLG) on the *Implementation of Planning Changes* which the sub-group have considered. The consultation was considered at the topic review meeting in March 2016 and made the following suggestions in response to the consultation

2.14.1 Changes to planning application fees

The suggestion in the consultation is to increase national fees in line with the rate of inflation and that future adjustments would be made on an annual basis, if required, to maintain fee levels relative to inflation. In addition, these increases would only apply only to those authorities that are performing well. A secondary option would be to introduce a ‘fast-track’ service similar to that of the passport service whereby applications would be processed more quickly if a fee was paid, proportionate to the planning fee.

Members were unsupportive of these suggestions. It was felt that the introduction of the fast-track service would potentially introduce a ‘two-tier’ planning system and would not be an equitable service for all those going through the planning process.

2.14.2 Permission in principle

The suggestion in the consultation is for an ‘in principle’ process to be implemented which would separate decision making on ‘in principle’ issues (such as land use, location and amount of development) from matters of technical detail (such as what the buildings will look like).

Members were unsupportive of these suggestions. There is already an ‘Outline Planning Permission’ process and it is felt that implementing a ‘Permission in principle’ process would be duplicating the process that is already in place, without retaining the ‘checks and balances’ for environmental protection etc.

2.14.3 Brownfield register

The consultation suggests the implementation of a statutory brownfield register in order to ensure that areas maximise the number of new homes that are built on suitable brownfield sites. The brownfield registers will maintain a standard set of information will be kept up-to date and made publicly available to help provide certainty for developers and communities and encourage investment in local areas.

Members were unsupportive of these suggestions. It was felt that this would introduce a significant amount of work onto local authorities as it assumes that the pre-assessment work of brownfield sites has already been completed. If this were to be implemented, there is concern that it would be a requirement for local authorities to do all of the pre-assessment works which would incur significant expense and it is unclear how this would be funded.

2.14.4 **Small sites register**

In a similar way to the above, the suggestion is that a published register of small sites is maintained to make it easier for developers and individuals interested in self-build and custom housebuilding to identify suitable sites for development, and will also encourage more land owners to come forward and offer their land for development.

Members were unsupportive of these suggestions. In a similar way to the brownfield register, it was felt that this is unnecessary and would potentially incur additional costs to local authorities.

2.14.5 **Expanding the planning performance regime**

The consultation is setting revised thresholds for determining those authorities who are under-performing (over a two-year period) and therefore may need to be put into 'special measures'.

Members were supportive of these suggestions. Whilst there are obvious concerns, particularly in respect of the level of appeals upheld and the low number of appeals Gravesham has, it was felt that a stronger focus on performance would be beneficial to the planning process in general.

2.14.6 **Testing competition in the processing of planning applications**

The suggestion is that in a number of specific geographic areas across the country, for a limited period of time, a planning applicant would be able to apply to either the local planning authority for the area or an 'approved provider' (a person who is considered to have the expertise to manage the processing of a planning application) to have their planning application processed. The decision-making would remain with the local authority.

Members felt that, as this is currently going through a pilot stage, this type of change should be resisted until the outcomes from the Pilots are known.

2.14.7 **Information about financial benefits**

The consultation is proposing to place a duty on local planning authorities to ensure that planning reports, setting out a recommendation on how an application should be decided, record details of financial benefits that are likely to accrue to the area as a result of the proposed development.

Members were supportive of this proposal. Whilst this is something that the council does already try to include in its reports, the information is sometimes not as 'pointed' as it could be and it was felt that a more detailed breakdown of financial benefits in reports would definitely be beneficial.

2.14.8 **Section 106 dispute resolution**

The proposal is to introduce a dispute resolution mechanism for section 106 agreements. The dispute resolution process is intended to be provided by a body on behalf of the Secretary of State, concluded within prescribed timescales, and to provide a binding report setting out appropriate terms where these had not previously been agreed by the local planning authority and the developer.

Members were supportive of these suggestions. Whilst the determining of Section 106 Agreements has not been an issue for Gravesham in the past, it was felt that this would be a beneficial introduction to the general planning process.

2.14.9 Changes to statutory consultation on planning applications

The consultation requests views from local authorities on the performance of statutory consultees and the potential extensions to consultation periods that are provided to statutory consultees.

Members felt that there should be consequences for the statutory consultees who do not meet the standards that are expected of them in terms of the planning application process and feel this should be fed back in the consultation response.

RECOMMENDATION 3

Cabinet consider the thoughts of the Overview Scrutiny Committee in respect of the consultation and where appropriate, include these in the final submission to government on the *Implementation of Planning Changes* consultation.

Appendices

Gravesham Borough Council: Overview and Scrutiny Committee

Topic Review: Planning Application Process 2015

Scope: In September 2015 Members of Overview Scrutiny approved a work programme for the committee to cover the four year period of the council's administration. The work programme identified five core areas of business that included a series of Topic Reviews, with the first two reviews subsequently identified for the Planning Application process and Housing Repairs.

On the formation of a dedicated working group for the Planning Application process, it was concluded that a dedicated suite of available historical performance monitoring information would be essential in helping map the comparative performance of the service both individually and benchmarked against other relevant authorities over the study period. It was determined that around 10 years-worth of historical data would be required for the review process dependant however upon the availability of data sources across the various indicators shown below.

Monitoring: Having reviewed various potential source material including Government statistical publications, the list below outlines the indicators presented for Member's consideration and, equally, a context as to what should be considered when analysing the results for each indicator.

No.	Performance Indicator	Development Management Notes
1.	Total number of applications	A straight outturn to reflect core business of the service.
2.	Percentage of applications determined inside the statutory timeframe <ul style="list-style-type: none"> • Major – 13 weeks • Minor – 8 weeks • Other – 8 weeks 	
3.	Average 'end to end' time to process applications (major, minor and other)	Not to be collected. On reflection the initial element of the application process falls outside of the scope of this review and an 'efficiency' focus should instead be concentrated on the statutory timescale process.
4.	Percentage of decisions granted	
5.	Percentage of decisions delegated to officers	
6.	Percentage of applications withdrawn	
7.	Number of applications re-submitted	Not to be collected. Does not provide Members with any conclusions as to the service being provided to users.
8.	Number of appeals	A straight outturn analysis of the number of planning application appeals decided in a year, reflecting levels of core business.
9.	% of planning appeals allowed	

Appendix 1 to this report outlines the key findings of the requested historical data between 2005-06 and 2014-15 (wherever possible). Material that is presented has been sourced from Central Government data sources including both Department for Communities and Local Government and the Planning Inspectorate.

Alongside the contextual information presented in the table above, there are a number of areas for wider consideration when reviewing the outturns presented at Appendix 1:

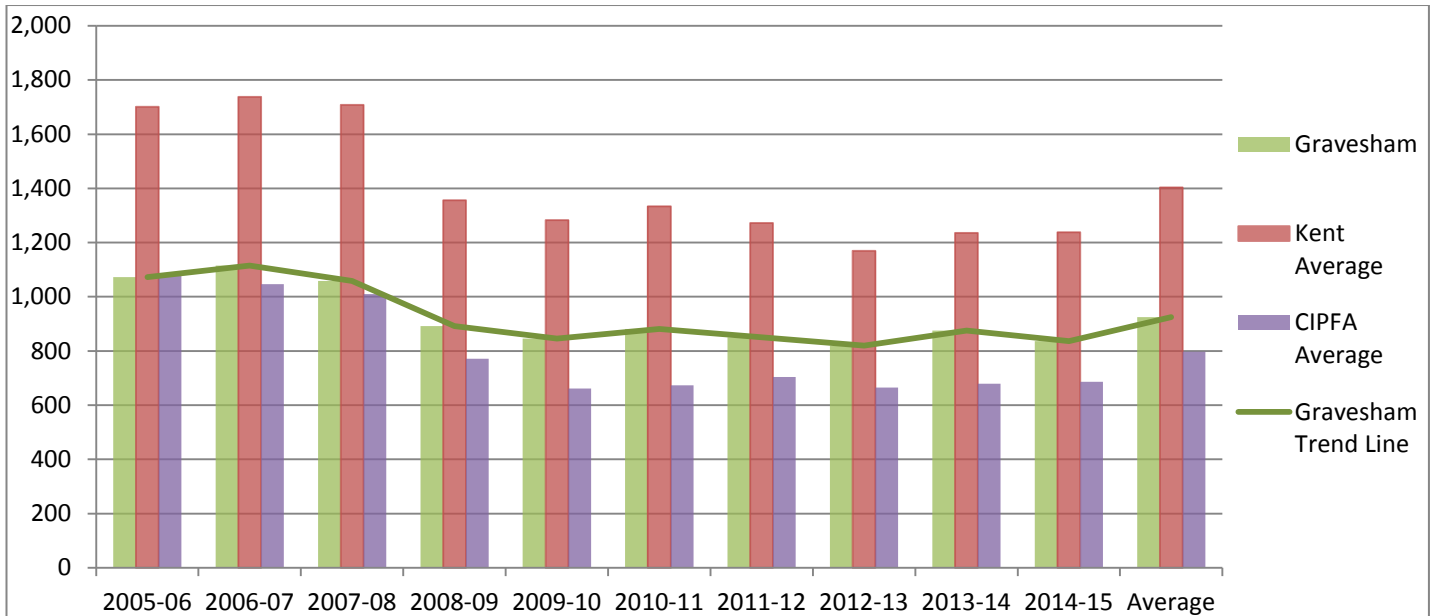
- **CIPFA averages:** when considering CIPFA averages, the report is referring to the suite of comparable authorities as defined by the 'CIPFA nearest neighbour' criteria. GBC officers on selecting relevant criteria, to include those authorities with fully functional DSO's and similar housing stock profiles, identified a suite of comparable authorities to include;
 - **Broxtowe**
 - **Cannock Chase**
 - **High Peak**
 - **Kettering**
 - **Rugby**

- **Years of review:** wherever possible the review has incorporated data dating between 2005-06 and 2014-15. However, this has not been possible in a few areas due to limitations of archived material or the lack of published 2014-15 outturns at the time of drafting this research.

- **Total Decisions Taken:** although not part of the original suite of indicators agreed by Members of the working group, comparative figures and analysis has been made available for the number of decisions taken in a year across the three categories (Major, Minor, Other). This reflects the volume of processing actually completed as opposed to the 'total applications received' which presents an outturn of business received.

Appendix 1: Planning application process – key statistics

Table 1: Total number of planning applications received: 2005-06 to 2014-15



Analysis: Table 1 presents a straight outturn analysis of the number of planning applications received in a year, reflecting the level of core business undertaken by respective planning authorities. As can be seen, Gravesham presents outturns consistently ahead of CIPFA averages, but behind the Kent average across all years, likely reflecting its lower than average population figure. This culminates in 2014-15 with an outturn of 836, ahead of Shepway (827) and Dartford (712) across Kent districts.

Table 2a): Total number of planning application decisions (Majors): 2005-06 to 2014-15



Table 2b): Total number of planning application decisions (Minors): 2005-06 to 2014-15

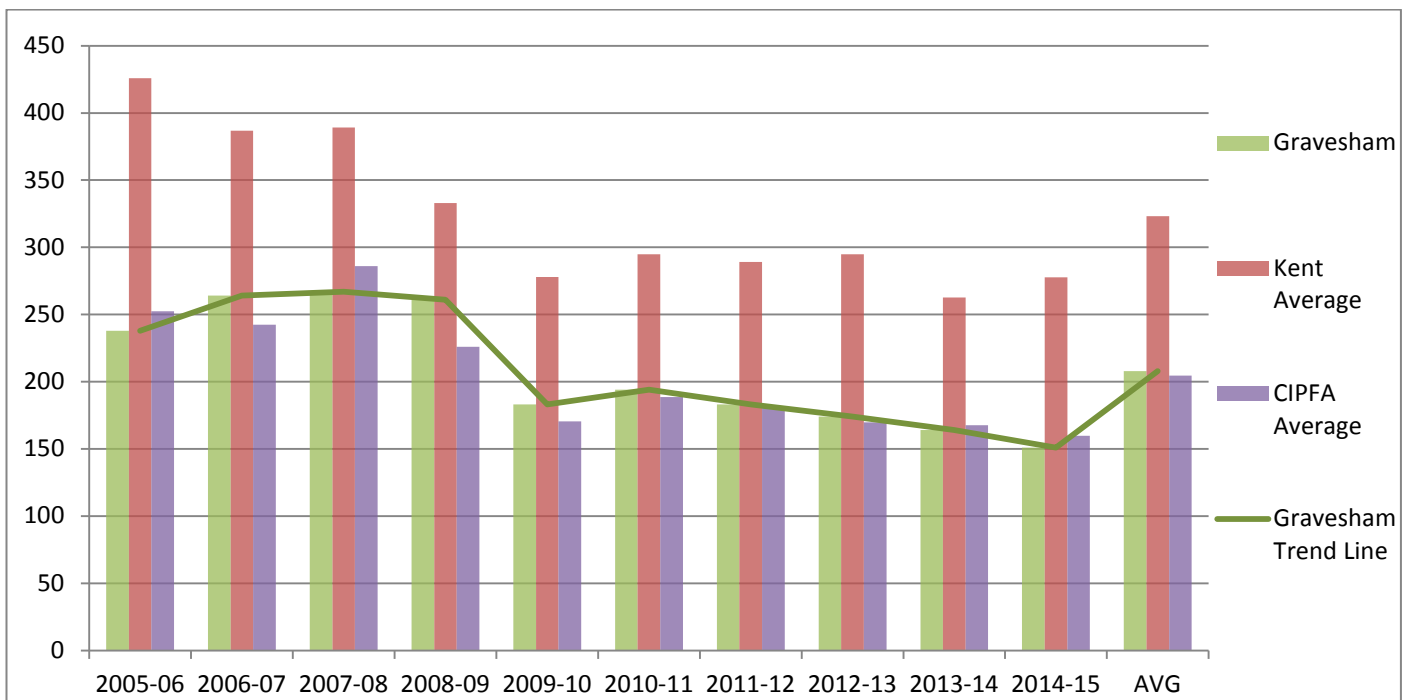
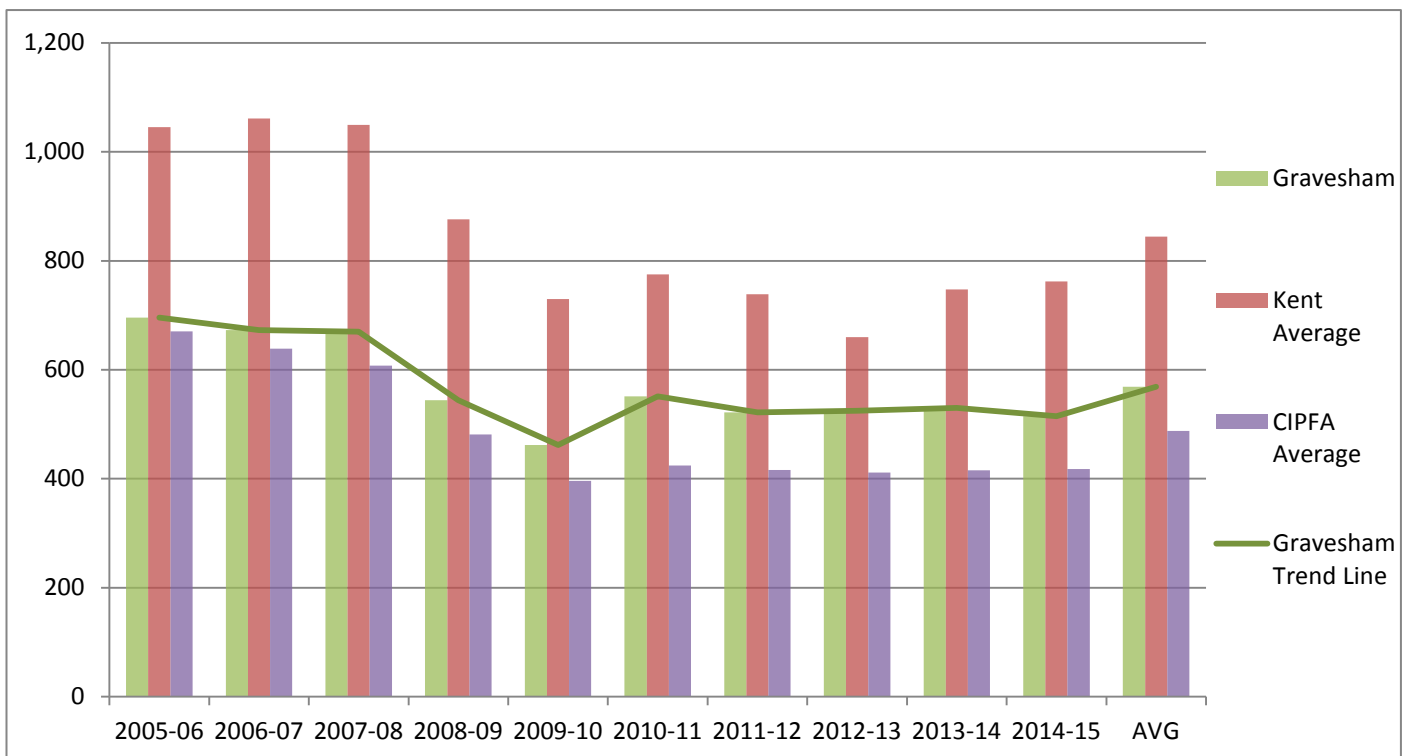


Table 2c): Total number of planning application decisions (Others): 2005-06 to 2014-15



Analysis: Tables 2a-c presents a straight outturn analysis of the number of planning application decisions that have been reached in a year, reflecting the level of core business finalised by respective planning authorities. As can be seen, reflecting the general trend of applications received, Gravesham is behind the Kent average across all three categories, but averaging above the CIPFA average for the number of minor and 'other' applications over the period.

Table 3a): % of Major applications determined inside the statutory timeframe

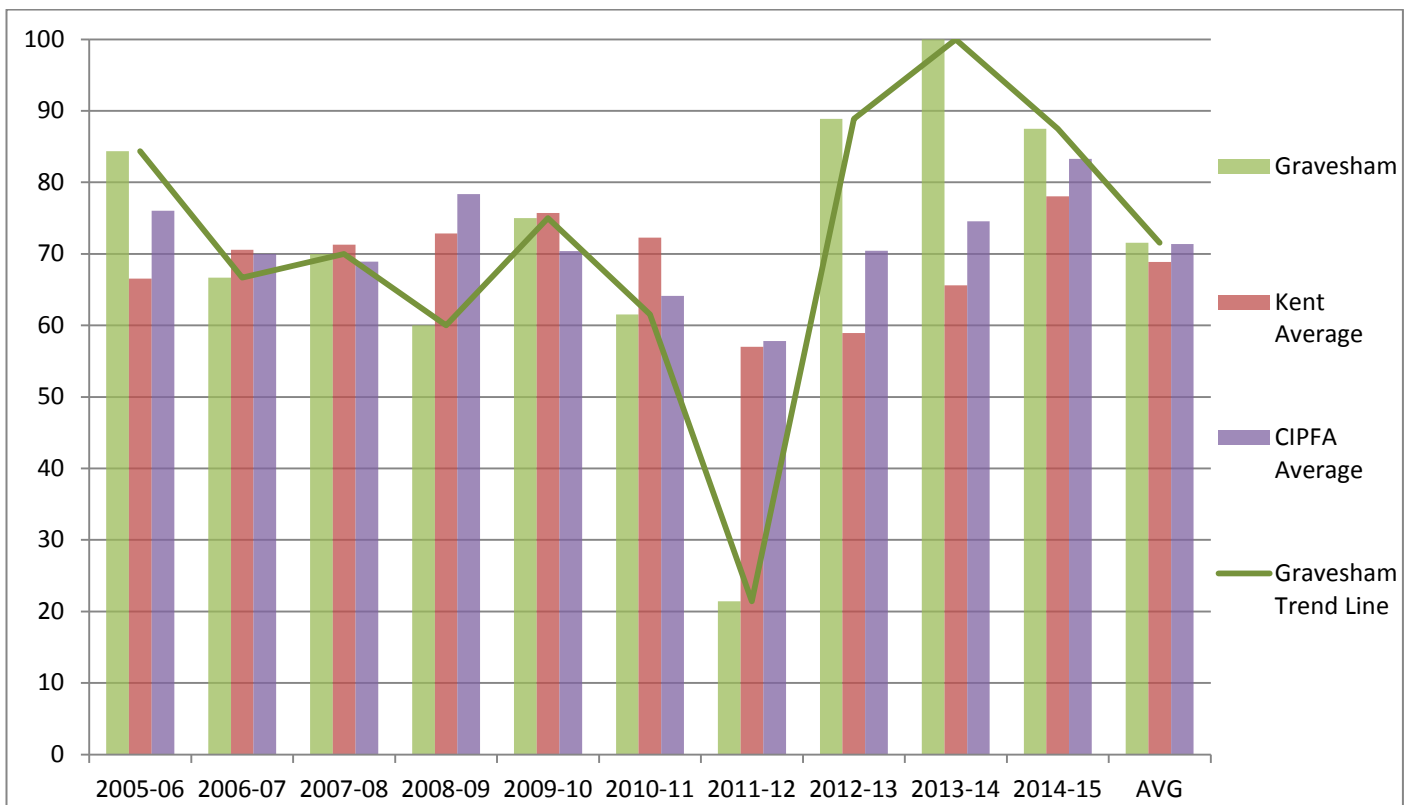


Table 3b): % of Minor applications determined inside the set timeframe

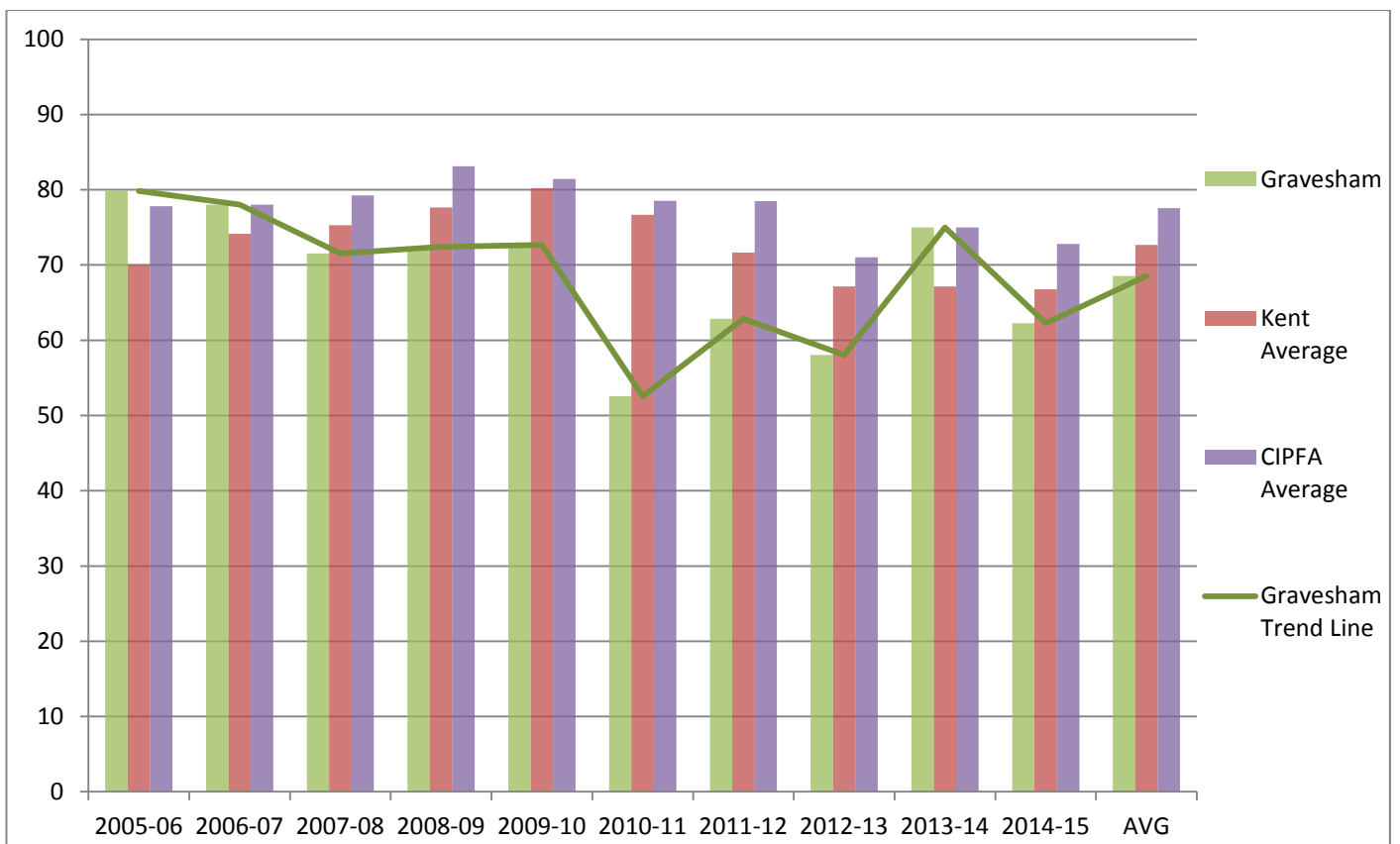
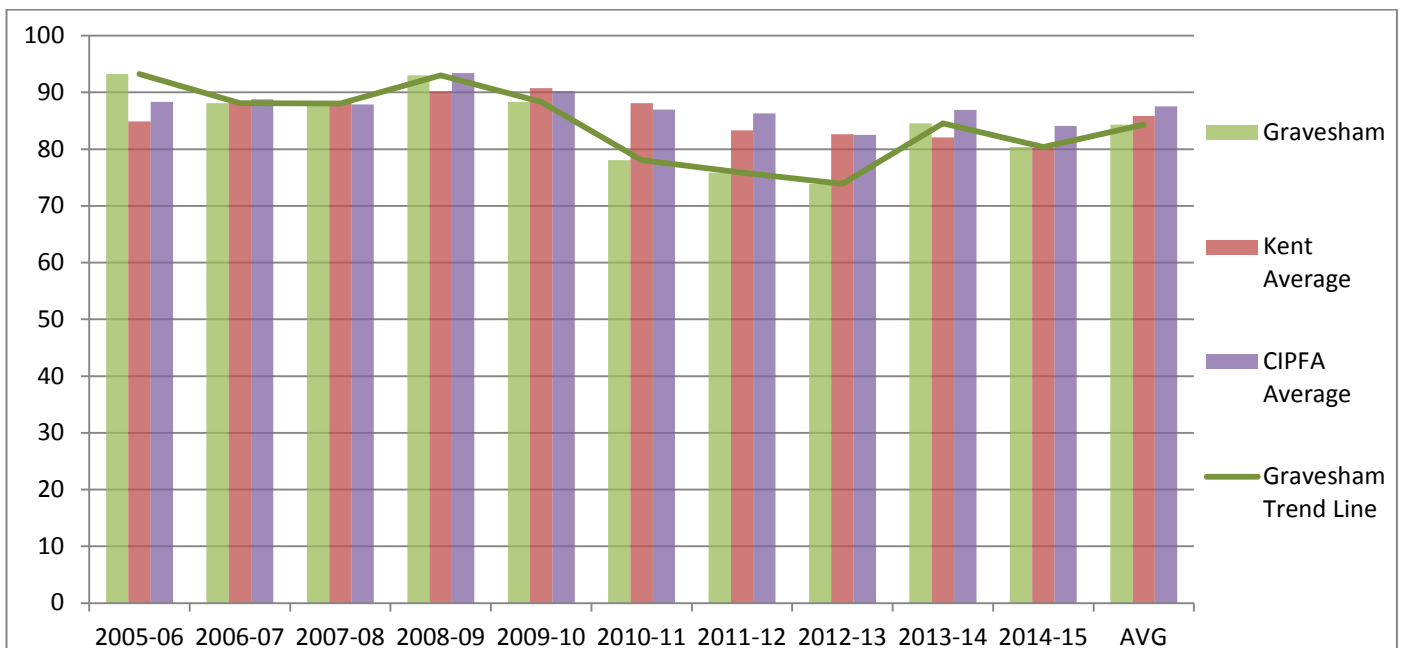
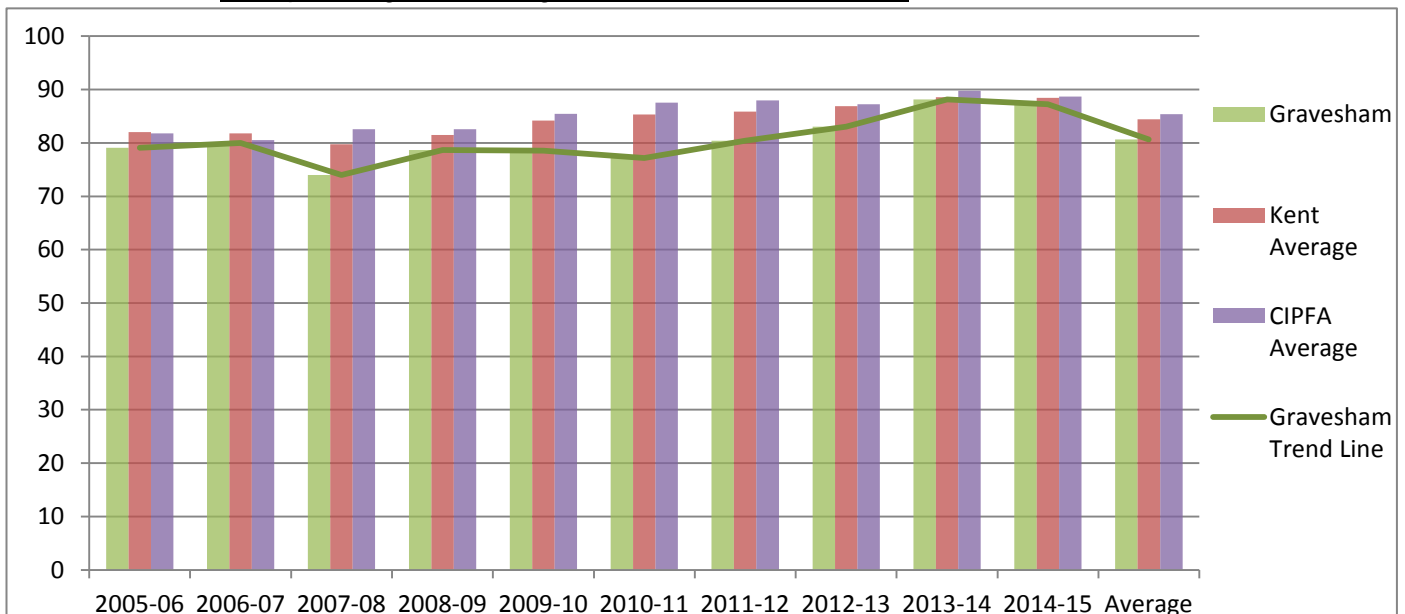


Table 3c): % of 'Other' applications determined inside the set timeframe



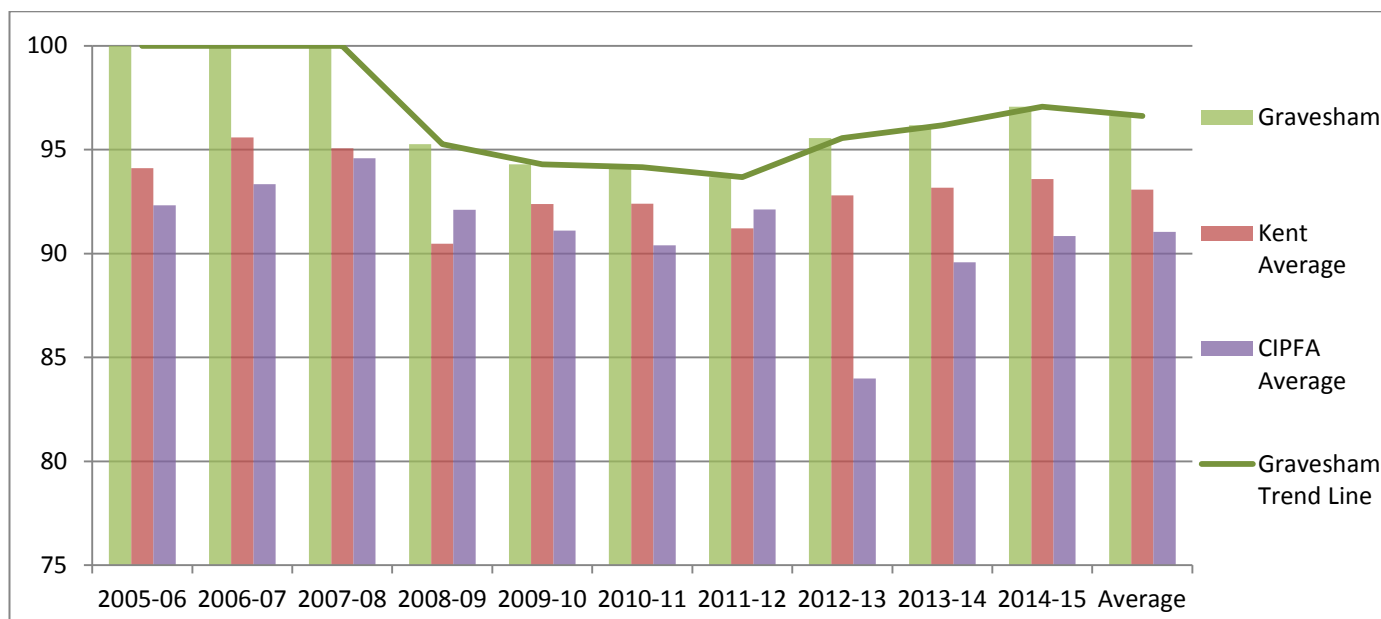
Analysis: Tables 3a-c present the speed of processing against the relevant Government parameters of measuring from the date of validation through to the issuing of a decision notice. In focussing on 'Major' applications, the only category that currently carries potential sanctions from Government for not achieving a 40% annual outturn, since 2012-13 Gravesham has presented figures well in excess of Kent and CIPFA averages. Specifically Gravesham presented the highest outturns in Kent in 2012-13 and across the comparative group in 2013-14.

Table 4: % of planning decisions granted: 2005-06 to 2014-15



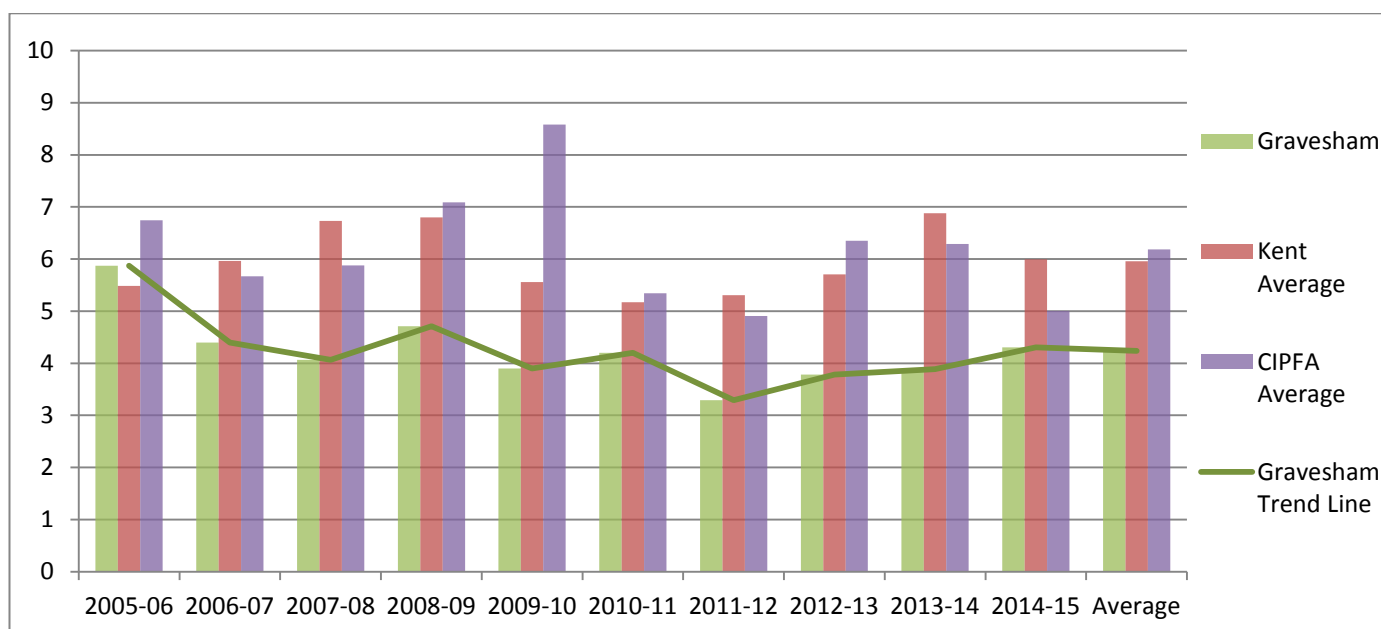
Analysis: As can be seen from Table 4, Gravesham does not have one of the leading rates of application approval and is actually behind both the Kent and CIPFA averages for each year. Gravesham averages an acceptance rate of 81% over the review period compared with the leading outturns presented by Cannock Chase (90%) and Tonbridge and Malling (89%).

Table 5: % of planning applications delegated to officers: 2005-06 to 2014-15



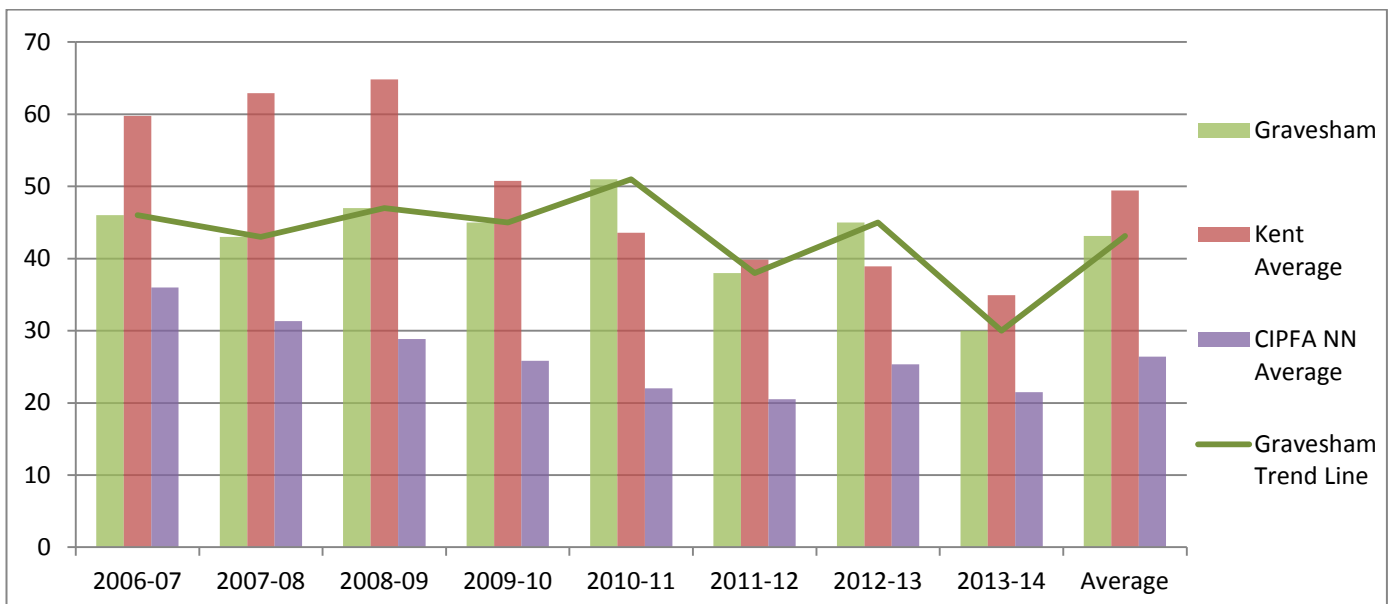
Analysis: Potentially reflecting the fact Gravesham generally receives a relatively low volume of major applications, Table 5 above outlines that across the review period Gravesham consistently presented above average outturns for the number of applications delegated to officers. At 97%, Gravesham actually presented the joint highest average across Kent districts and the highest amongst CIPFA ‘Nearest Neighbour’ authorities over the period.

Table 6: Applications withdrawn as a % of applications received: 2005-06 to 2014-15



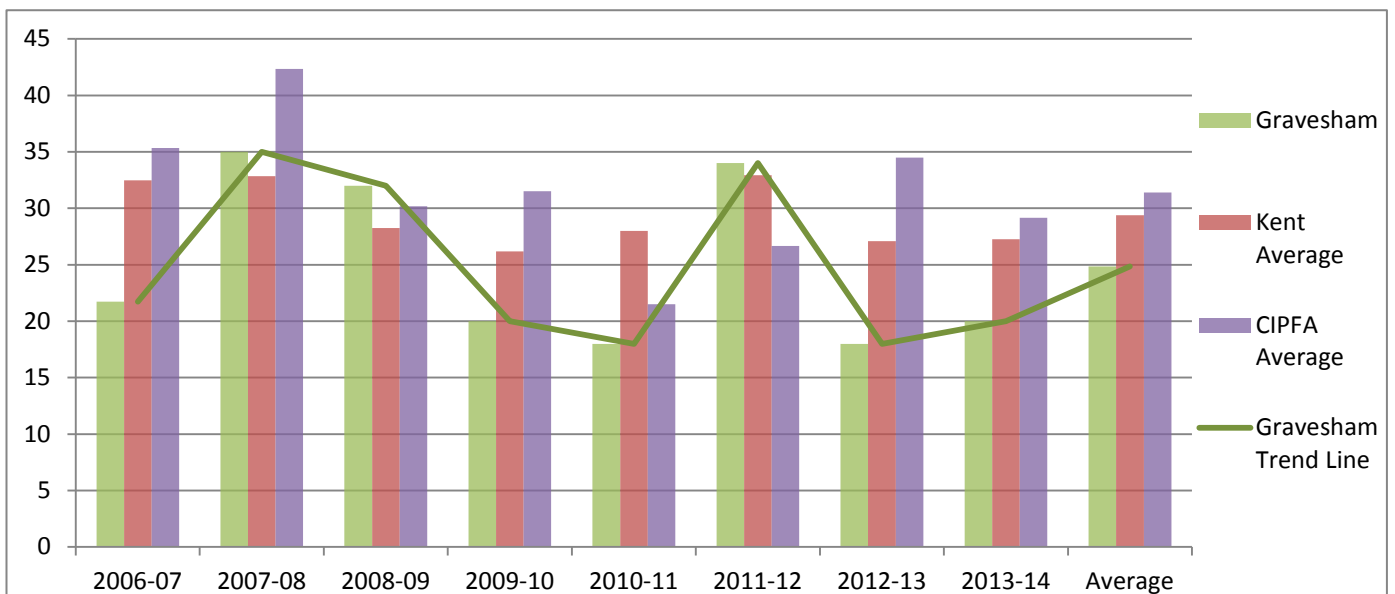
Analysis: A withdrawn application represents a cost to the service in terms of processing up until the point of withdrawal. Although not necessarily a reflection of service provision, the ambition should be wherever possible to be as close to zero as possible. As can be seen from Table 6, Gravesham has consistently posted lower withdrawal rates than the Kent and CIPFA averages over the study period.

Table 7: Number of decided planning appeals: 2006-07 to 2013-14



Analysis: Table 7 presents a straight outturn analysis of the number of planning application appeals decided in a year, reflecting the level of core business undertaken by respective planning authorities. As can be seen, Gravesham presents a case volume ahead of the CIPFA average across the review period but only ahead of the Kent average in 2010-11 and 2012-13, again reflecting the lower level of overall applications to the equivalent Kent average.

Table 8: % of decided planning appeals allowed: 2006-07 to 2013-14



Analysis: As can be seen from Table 8, for the majority of the years covered in this review Gravesham presents outturns for the percentage of planning appeals being allowed below both the Kent and CIPFA district averages. Indeed on averaging the outturns for each authority over the eight years, Gravesham (25%) presents the second lowest overall average across the comparative group, bettered only by Shepway (24%). This indicates a good quality of original application decision making in Gravesham.