



<b>Committee</b>	Strategic Planning Committee
<b>Date</b>	08/04/2024
<b>Subject</b>	Planning Performance Report – 1 October 2023 to 31 December 2023
<b>Cabinet Member</b>	Councillor Kay Yule Cabinet Member with responsibility for Planning and Coastal Management
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Key Decision?	No
Is the report Open or Exempt?	OPEN

Category of Exempt Information and reason why it is <b>NOT</b> in the public interest to disclose the exempt information.	Not applicable
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## Purpose/Summary

This report publishes the quarterly figures for the number of 'Planning Applications' determined within government targets or agreed extensions of time within the most recently completed financial quarter.

## Recommendation(s)

That Strategic Planning Committee:

That the report concerning the performance of the Development Management Team in terms of the speed of determining planning applications is noted.

## Strategic plan

### How does this proposal support Our Direction 2028?

<b>Environmental Impact</b>	The statistics presented in this report are not directly applicable to the this. However, it is recognised that the planning application process has to consider the material planning impacts upon the environment.
<b>Sustainable Housing</b>	The statistics presented in this report are not directly applicable to the this. However, it is recognised that the planning application process and the planning policies which are used to determine such applications seeks to ensure the provision of sustainable housing.
<b>Tackling Inequalities</b>	The statistics presented in this report are not directly applicable to the this. However, it is recognised that the planning application process and the planning policies which are used to determine such applications, seek to support communities, and the provision of facilities which can be beneficial including community buildings, open space and facilities for physical and mental health wellbeing.
<b>Thriving Economy</b>	The statistics presented in this report are not directly applicable to the this. However, it is recognised that the planning application process and the planning policies which are used to determine such applications, seek to support appropriate economic development within the district.
<b>Our Foundations / governance of the organisation</b>	The Planning Service and the determination of planning and planning related applications is a statutory function of the Council. It also provides a vital mechanism through which improvements to the district can be secured for the benefit of residents, businesses and visitors.

## Justification for recommendations

### 1. Background

- 1.1. This report provides details on the determination timescales for all planning applications at East Suffolk Council when tested against the government set timescales as well as the East Suffolk Council stretched targets.
- 1.2. The Key Performance Indicators (KPIs) are reported on a quarterly basis and included within the East Suffolk Council performance report and tested against the Council's Business Plan

### 2. Introduction

- 2.1. East Suffolk Council as Local Planning Authority determines applications that seek Planning Permission, Listed Building Consent, Advertisement Consent, Prior Notification Approval, and Tree Works applications along with associated applications such as those seeking approval of matters reserved by conditions on consents.
- 2.2. This report focuses on the applications for Planning Permission (those seeking Approval of Reserved Matters, Change of Use, Full Planning Permission, Outline Planning Permission, Removal of Condition(s) and Variations of Condition(s)). There are herein referred to as Planning Applications, and the key application types that are monitored by Government with rolling 2-year targets.
- 2.3. The figures referred to in this report are referred to as those for 'Major' applications and 'Non-Major' applications. 'Major' development is defined in the National Planning Policy Framework (NPPF) as:

*"Major development: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For nonresidential development it means additional floorspace of 1,000m<sup>2</sup> or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015."*
- 2.4. 'Non-Major' development/applications are proposals for planning permission which fall outside the above definition for 'Major'.
- 2.5. The previous Strategic Planning Committee took place on Monday 8 January 2024, shortly after the end of the last quarter. However, reports for that meeting had to be drafted and published prior to the end of the preceding quarter (that ending 31 December 2023) Therefore, this report provides the full data for that quarter.

2.6. The data for Planning Applications during the quarter 1 October 2023 – 31 December 2023 is:

	<b>Numbers in time /within agreed extension of time</b>	<b>Total number determined</b>	<b>Percentage determined in time/within agreed extension of time</b>	<b>Target</b>
<b>Major Development</b>	14	16	88%	60% National 65% ESC Stretch Target
<b>Minor Development</b>	94	131	71.8%	No national target 75% ESC Stretch target
<b>Other Development</b>	187	256	73%	No national target 90% ESC Stretch target
<b>Non-Major Development (Minor and Others combined)</b>	281	387	72.6%	70% National No ESC Stretch target

2.7. As set out in the table above, both the National target of 60% and the local stretch target of 65% has been significantly exceeded for Majors, as the proportion of such applications determined within in time or within extensions of time was 88%.

2.8. The figures for this quarter, also show that the proportion of Non-Major applications being determined within time or within an agreed extension of time met the national target of 70%, as 72.6% was achieved.

2.9. It is unfortunate that the stretch targets for both Minor and Other Development were not met. However, these are locally set and were set a number of years ago, prior to the current government set targets, which do not monitor Minor and Other developments as individual categories. The government targets only look at the combined figures for minors and others (i.e. Non-Major) and those figures are being met.

2.10. The current two-year monitoring period runs from 1 October 2022 to 31 September 2024. The current overall figures from 1 October 2022 to 31 December 2023 were:

- 89% for Majors (target is 60%)
- 77.64% for Non-Majors (target is 70%).

- 2.11. Therefore, the Local Planning Authority remains on target to meet the two-year government requirements.
- 2.12. During the same period the Local Planning Authority also determined other forms of planning related applications and provided pre-application advice. During this period, provisional figures indicate that the cases closed/determined by Local Planning Authority included (but not limited to):
- Determined a significant number of planning and planning related formal applications, including:
    - o 403 Planning Applications (those referred to in the table above), which included 221 applications relating to householder development,
    - o 60 Listed Building Consent applications,
    - o 14 Certificate of Lawfulness applications,
    - o 6 Advertisement Consent applications,
    - o 3 Larger Rear Extension Householder Prior Notification Applications,
    - o 14 other forms of Prior Notification Application (including changes of use and those for agricultural works etc).
  - Provided written pre-application advice on 173 pre-application submissions,  
And
  - Determined 125 applications for works to trees:
    - o 42 applications for works to trees covered by Tree Preservation Orders
    - o 83 applications for works to trees within Conservation Areas.
- 2.13. During this period the team also continued to provide other services that cannot be monitored in terms of numbers of applications/decisions. These include the daily duty planner service and assisting agents, applicants, third parties, consultees and the wider public with planning related queries.
- 2.14. The Planning Performance Report to Strategic Planning Committee on 8 January 2024, also provided an update on the progression of the Local Validation List, explaining that's its adoption will give the Local Planning Authority a stronger position to insist upon the information/documents/drawings we require prior to validating applications, which in turn should assist with our ability to determine applications.
- 2.15. At the time of the meeting in January, the consultation process on the Local Validation List was still underway. The consultation period has since expired, and the comments received have been considered and where appropriate amendments have been made to the draft Local Validation List. There is a separate report on the agenda for this meeting, recommending the adoption of the Local Validation List and Local Validation Guidance and associated index documents.

### **3. Proposal**

- 3.1. These figures should continue to be monitored on a quarterly basis.

#### **4. Financial Implications**

- 4.1. As explained in the [previous Planning Performance Report to Strategic Planning Committee](#), the planning application fees were increased on 6 December 2023 through [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](#) and those regulations also amended Town and Country Planning Development Management Procedure Order 2015 (as amended), to introduce a 16 week planning guarantee.
- 4.2. This means where a planning application takes longer than the statutory time periods (i.e. 13 weeks for Major and 8 Weeks for Non-Major) and an extension of time has not been agreed with the applicant, the Planning Guarantee applies.
- 4.3. This means that if a Major application is not decided within 26 weeks or a Non-Major within 16 weeks, and where no extension of time has been agreed, or appeal against non-determination has been submitted, then the fee paid by the applicant will be refunded to them.
- 4.4. Therefore, the Local Planning Authority needs to ensure that planning applications are determined within the set timescales or agree extensions of time in order to minimise the potential risk for fees to be refunded on such applications.
- 4.5. However, it should be noted that applications can potentially be refused if the applicants are deliberately trying to delay the determination or refuse to agree an extension of time in order to seek to secure a refund. National Planning Policy Guidance is clear that applicants should not attempt to delay a decision on their application simply to obtain a fee refund and that a Local Planning Authority will be justified in refusing permission when an applicant causes deliberate delay and has been unwilling to agree an extension of time [Determining a planning application - GOV.UK \(www.gov.uk\)](#).

#### **5. Legal Implications**

- 5.1. If a planning application is not determined within the eight- or 13-week target time, or within an agreed extension of time, then the applicants have a right to appeal to the Planning Inspectorate, who would then be the determining authority for that planning application.
- 5.2. However, it should be noted that planning applications do not obtain deemed consent if they are not determined in time. The eight- and 13-week time frames for determination are important for ensuring that the not only the decision on each application remains with the Local Planning Authority, but ensuring that the government targets are met for the two-year monitoring period process, so that wider determination powers remain with the Local Planning Authority.
- 5.3. Prior Notification applications which do not form part of this two-year monitoring period process, because they are not Planning Applications, also need to be determined within time, because if the proposals meet the criteria to be Permitted Development subject to the Prior Notification Process (as set out in the [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015 \(legislation.gov.uk\)](#)), are not determined

within the set timescale or an agreed extension of time, they can obtain deemed consent, which means works can go ahead outside the control of the Local Planning Authority.

## **6. Risk Implications**

- 6.1. If the Local Planning Authority fails to meet the rolling two-year rolling monitoring period targets, it can be put into special measures by the Secretary of State, which could mean that all or some of its decision making powers for applications could be removed, and applicants would have the option to apply directly to the Planning Inspectorate, removing the local decision making process for such applications.
- 6.2. Therefore, it is important that these quarterly figures continue to be monitored to ensure that the Local Planning Authority remains on track to meet the 2 year monitoring period targets.

## **7. Options**

- 7.1. There aren't any options other than to continue to monitor the quarterly figures, and seek to address any potential issues if or as and when they arise.

## **8. Recommendations**

- 8.1. That the report concerning the performance of the Development Management Team in terms of the speed of determining planning applications is noted.

## **9. Reasons for Recommendations**

- 9.1. These figures form part of the Local Planning Authority's statutory returns to government, and it is important to monitor these figures, to ensure that the Local Planning Authority remains on track to meet the two-year rolling monitoring period targets, to ensure that performance remains at a level above the minimum threshold, so that the Local Planning Authority does not become at risk of being put in special measures.

## **10. Conclusions/Next Steps**

- 10.1. Strategic Planning Committee should continue to receive these quarterly monitoring reports.

## Areas of consideration comments

### **Section 151 Officer comments:**

There are no financial implications arising from this report.

### **Monitoring Officer comments:**

The legal implications are fully set out in the report. No additional comments.

### **Equality, Diversity and Inclusion/EQIA:**

There are no specific implications arising in terms of this matter from the statistics included within this report.

### **Safeguarding:**

There are no specific implications arising in terms of this matter from the statistics included within this report.

### **Crime and Disorder:**

There are no specific implications arising in terms of this matter from the statistics included within this report.

### **Corporate Services implications:**

*(i.e., Legal, Finance, Procurement, Human Resources, Digital, Customer Services, Asset Management)*

As Legal Services are the determination team for Certificate of Lawfulness (with input from the Development Management Team, who also manage the process), they have a significant effect upon the timeframes for the determination of such applications, and therefore the performance of such applications.

The Legal Services Team are also involved in legal agreement, which can be required for some planning applications, and therefore they also affect the timescale for the determination of such applications (along with outside factors).

### **Residents and Businesses consultation/consideration:**

Not applicable to the statistics presented in this report

## Appendices:

None.



## Background reference papers:

Date	Type	Available From
8 January 2024	Planning Performance Report – July to September 2023	<a href="#">CMIS &gt; Meetings</a>
2 October 2023	Planning Performance Report – April to June 2023	<a href="#">CMIS &gt; Meetings</a>
3 July 2023	Planning Performance Report – January to March 2023 (Includes annual and quarterly figures for April 2022 – March 2023, including those in the quarterly performance reports for that financial year)	<a href="#">CMIS &gt; Meetings</a>
6 June 2022	Planning Performance Report – April 2021 to March 2022 (Includes annual and quarterly figures for April 2021 – March 2022, including those in the quarterly performance reports for that financial year)	<a href="#">CMIS &gt; Meetings</a>