

Committee: Planning Committee
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Title: Speed & Quality of Planning Decision
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Purpose

1. Since January 2022 Planning Committee has been receiving details of the Speed & Quality of decisions around the Government's Four Key Indicators of Speed for Majors Planning Applications, Speed for Non-Majors Planning Applications, Quality of Majors Planning Applications and Quality of Non-Majors Planning Applications.
2. Following the Formal Designation Notice dated 8 February 2022 from the Minister of State for Housing (Department of Levelling Up, Housing & Communities) the Planning Committee on 16 February 2022 requested further details and explanation of the data behind the Council's Performance against the Government's Quality of Majors Target.
3. The purpose of this report is to explain further this data.

Summary

Criteria for Designation – Speed and Quality

4. Members will be now familiar with the living table that has been provided to the Committee on a monthly basis the latest is appended to this report as Appendix 1.
5. The Criteria for Designation are around Speed and Quality of decision. Both are measured over a two-year period.
6. The **Speed of Decision** criteria consists of a two-year rolling period. The periods being reported are the 2018-20 and 2019-21 periods. These periods are known as the assessment period. There are separate criterion for Major and Non-Major Planning Applications.
 - For Major Planning Applications the Statutory Period to determine a planning application is 13 weeks (or 16 if there is an Environmental Impact Assessment). The target is **60%** of all major applications determined either within the 13 weeks (or where an Extension of Time

(EOT)has been agreed or secured through a Planning Performance Agreement (PPA)).

- For Non-Major Planning Applications, the statutory period to determine a planning application is 8 weeks. The target is **70%** of all non-major determined either within the 8weeks (or where an Extension of Time (EOT)has been agreed or secured through a Planning Performance Agreement (PPA)).
7. To fall **under** these targets 60% (for majors), 70% (for non-majors) would lead any Local Planning Authority being open to designation.
 8. Members will note that on both measures across both two-year periods, the Council has exceeded this target with a further improvement in 2019-21. These figures are monitored and reported quarterly, they are embedded within the team's performance management culture. Whilst clearly not close to the criterion the Authority is still required to be vigilant.
 9. The **Quality of Decision** is a measure of allowed appeals as a percentage of all applications determined of that type. The period for the determined planning applications is a rolling two-year period. For the related appeal data, it is the same rolling period **plus nine months** to accommodate the period to determine any subsequent appeal. The time periods continue to be rolling.
 10. The designation period for both major planning applications and non-major planning applications is **10%**. To **exceed** this criterion on either would lead to any Local Planning Authority open to designation.
 11. On Non-major applications members will note that the Council has remained well clear of the 10% threshold. Again, whilst not close to the criterion the Council remains vigilant and the Council will be looking at its local target of 2.5%

On Major Applications the Council has exceeded this criteria. Members will note from Appendix 1 the current reporting available from DLUHC.

Appeal

12. For the Committee's information. attached at Appendix 2 is the list of **Allowed Appeals** for the periods 2018-20 and 2019-21. Please note that as this is based on a rolling two-year periods some appeal decisions appear on both tables.
13. For information all the decisions are highlighted delegated and Committee refusals. By definition all refused application during this period were delegated

to officers and therefore all refusals by Planning Committee would be overturned recommendations for approval by officer. In reverse all the delegated refusals would have had no input from the Planning Committee.

14. The appeal information provided is deliberately confined to allowed appeals, as it is these appeals decisions that are front and centre to the Council's designation situation.
15. Committee are now aware that the Interim Director of Planning and Building Control has used her discretion and has requested that currently all major applications **regardless of recommendation** will now be reported to Planning Committee. This will allow the breaking of the dichotomy of delegated and Planning Committee decisions.

Appeal Trending

16. Appended at Appendix 3 is a summary of the 2018-20 appeal decisions. A similar exercise will be carried out for the 2019-21 allowed appeals and will be reported to Planning Committee in May.

Policy Challenges and 5YLS

17. Members will note, of the sixteen appeals the subject of this analysis 12 were allowed where the Inspector had engaged the tilted balance. Nine of these twelve were specifically around the matters refused on the basis of S7 (Countryside) or S8 (CPZ). In considering the CPZ Inspectors consistently considered Policy S8 on the same basis as S7 in terms of its partial compliance with the NPPF. With respect of the CPZ, Inspectors did not accept that the CPZ should be protected for its own sake and made judgements based upon the harm, and the functioning of the CPZ.
18. Three of the cases allowed, where the tilted balance was engaged, also balanced the less than substantial heritage harm against the public benefits. With respect of the site at Joyce Franklin Academy, Newport and the twin proposals at Parsonage Lane, Takelely, the Inspector concluded that the public benefit outweighed the less than substantial harm to heritage assets of the development.
19. The two cases at Little Walden Road & Thaxted Road, Saffron Walden were primarily refused, with regards the quantum and quality of the public open space. The Inspector had no concerns with the public open space proposed on either site. Both Inspectors did highlight the lack of local plan policy regarding public open space provision, in addition there was a lack of evidence of the demand/supply for public open space.

20. One case at The Commercial Centre, Ashdon Road, Saffron Walden was refused primarily due to the loss of commercial land and lack of robust marketing of the commercial land. The Inspector concluded here again, the policy vacuum in this area. The Council had no detail of the commercial land supply or any appropriate local plan policy
21. The policy situation during this period is very much the same as we are presently in. Uttlesford does not have an up-to-date Local Plan, its 2005 Local Plan is partially compliant with the NPPF. This policy vacuum cannot be overstressed, the Council is very much operating without appropriate policy. Both in terms of restricting development or shaping development to the standards we as a Council desire.
22. The combination of the policy vacuum and the inevitable lack of 5YLS does mean that the tilted balance is increasingly being engaged at appeal, and more than often it is in favour of the benefits of development.

Other Matters

23. Three of the appeals in Felsted, were timed adjacent to the emergence of the Felsted Neighbourhood Plan. The three application sites were not identified within the emerging FNP. The FNP had not reached the examination stage when the applications were considered. Committee were keen to offer advanced weight of an emerging Neighbourhood Plan, sadly the weight was low at the point when Committee considered the applications, and indeed when the Inspector allowed the appeal. This continues to be a difficult path on all emerging Neighbourhood Plans.
24. Two of the cases are the twin sites at Radwinter Road and Shire Hill, Saffron Walden. These sites are the non-residential elements of the former Manor Oak site, where Linden (now Vistry) are completing the residential development. This was solely on the terms of the S106 agreed by Committee. Due to the lack of progress on the completion of the S106, officers enacted the counter-recommendation to refuse. The Section 106 discussions at appeal become an academic discussion, and whatever the decision of the Inspector would have resulted in an allowed appeal with a Section 106 secured. In this case it was a reduced version of the Section 106 package with the Travel Plan element secured through a Unilateral Undertaking.
25. Finally returning to the two cases in Little Walden Road and Thaxted Road. Notwithstanding the policy vacuum on the point of the public open space, it is considered that both appeals could have possibly been avoided had the developer actively engaged at the pre-application stage, specifically with Saffron Walden Town Council regarding the final delivery of the open space.

With regards the site at Little Walden Road, a parallel scheme was agreed and approved by Planning Committee parallel to the appeal. Frustratingly, the developer is implementing that allowed at appeal.

26. That concludes the analysis of the allowed decisions related to the 2018-20 period.

Recommendation

It is recommended that the Committee notes this report for information.