

Committee: Planning Committee
Date: 11 May 2022
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. Officers will endeavour to continue to provide further commentary on the data and appeal performance generally
3. At Planning Committee on 13 April 2022 officers provided further details and explanation around the data behind the Government's Four Key Indicators of Speed and Quality. This report also provided the list of **allowed** appeals for both the 2018-20 and 2019-21 period. The report also provided an analysis of trending on the subject appeals for 2018-20.
4. The purpose of this report is to report of the latest data for the Speed and Quality measures. The report will also provide further analysis and trending for the 2019-21 **allowed** appeals.

Summary

Criteria for Designation – Speed and Quality

5. 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.

6. 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.
7. 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.
8. 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.
9. 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

10. Appended at Appendix 3 is a summary of the 2019-21 appeal decisions. Committee will appreciate that by definition there is duplication of some of the appeals from the 2018-20 list.
11. For the period 2019-21 there are fourteen subject appeals nine of which that were discussed in the officer's report of 13 April 2022, as such for the purposes of this report the discussion will be confined to the addition five appeals

Policy Challenges and 5YLS

12. Of the five additional appeals three were allowed on the basis of the tilted balance.
13. Both the sites as Buttleys Lane, Great Dunmow, and Vernons Close, Henham were allowed on the basis of the tilted balance. The respective Inspectors whilst accepting some element of harm, did not consider that harm was significant. In engaging the tilted balance, the benefits of both weighed heavily.

Interestingly, on the Henham site the Inspector concurred with the Council that the location of the development was not readily accessible to local services without the use of the motor car, however, did not conclude that this was reason in itself to refuse planning permission.

14. The site at Isabel Drive, Elsenham was an appeal against non-determination. In defending the appeal, the Council developed two technical putative refusal reasons around air quality and highways, which were addressed through technical submission up to the inquiry. The primary putative reason was Countryside Harm and impact on Elsenham. As with the Great Dunmow and Henham decisions above, this Inspector concluded that any harm of the development was outweighed by the benefits.
15. 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.
16. 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 almost always it is in favour of the benefits of development.

Other Matters

17. The two remaining cases are very specific.
18. Claypits Farm, Thaxted relating to fourteen dwellings, was rejected for the single refusal reason regarding the alignment of an existing footpath. The layout of the proposal in the Council's view did not sympathetically retain a desirable route of the footpath. In the appeal the Inspector took a contrary view and concluded that the revised route was acceptable.
19. Land behind the Cement Works, Saffron Walden, was a resubmission of an extant planning application with a reduced affordable housing offer (20% rather than 40%) The application was accompanied by a viability assessment which had been appropriately validated and the conclusions agreed by the Council's retained independent advisor. This was an appropriate route by the appellant. Whilst any reduction of affordable housing is very frustrating for the Council sometimes it has to be accepted especially where appropriate evidence is provided. The council had a full award of costs against it for its unreasonable behaviour in refusing the application. Moving forward best practice where viability is a key element has been to allow closed session so the Committee to receive further information on the viability, that worked successful in a more recent case in Newport.

20. That concludes the discussion on appeal trending on the allowed appeals for the period.

Recommendation

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

Impact

1.

Communication/Consultation	This group is a working group and will make recommendations to Planning Committee
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Risk Analysis

1.

Risk	Likelihood	Impact	Mitigating actions
1 None			

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.