

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**PLANNING and TRANSPORTATION ADVISORY BOARD**

26 February 2007

**Report of the Director of Planning, Transport & Leisure**

**Part 1- Public**

**Matters for Information**

**1 DEVELOPMENT CONTROL – PLANNING APPLICATIONS AND APPEALS PERFORMANCE**

**Summary**

**This report provides a brief commentary on performance in dealing with planning applications and appeals. It highlights a need to continue to review the business process, systems and procedures in development control in order to improve performance.**

**1.1 Planning applications**

- 1.1.1 The volume of planning applications received continues to be sustained in this financial year. Year on year the processes and considerations that govern development control and must be taken into account become ever more complex. However it also the case that the Government continues to set great store on speed of performance in determining planning applications and rewarding this performance with Planning Delivery Grant (PDG) up until 2007/8. The proposed Housing and Planning Delivery Grant does not at this stage appear to be providing any funding support based on applications determination performance beyond 2007/8. Nevertheless it is to be expected that such performance will still be scrutinised by Government and in any event a prompt and efficient handling of planning applications is a service that the Council should be striving to sustain.
- 1.1.2 Our performance is primarily tested against targets set by the Department of Communities and Local Government (DCLG) and the following table shows our performance over the last five years.

<b>Application type</b> <b>BVPI</b>	<b>DCLG target</b>	<b>TMBC</b> <b>2002/03</b>	<b>TMBC</b> <b>2003/04</b>	<b>TMBC</b> <b>2004/05</b>	<b>TMBC</b> <b>2005/06</b>	<b>TMBC</b> <b>First <sup>3</sup>/<sub>4</sub> of 2006/7</b>
<b>Major</b> BVPI 109a	60% (Within 13 weeks)	54.70%	63.95%	60.29%	65.15%	<b>64.41%</b>
<b>Minor</b> BVPI 109b	65% (Within 8 weeks)	45.54%	64.05%	69.72%	65.33%	<b>73.41%</b>
<b>Other</b> BVPI 109c	80% (Within 8 weeks)	67.57%	81.23%	84.23%	81.98%	<b>85.81%</b>

- 1.1.3 The Council made a very significant improvement in overall development control performance between 02/03 and 03/04 in order to respond to the Government targets and a need in any event to improve aspects of the service.
- 1.1.4 Since 03/04 we have generally maintained our performance on planning applications and carefully monitored throughput and issues such as workload distribution in order to continue to meet best value performance indicators. However, towards the end of last year we became aware that our performance had slipped significantly in comparison with other district planning authorities and particularly those in Kent. This is not an acceptable situation for an excellent authority and consequently some immediate management action has been taken to alter a few aspects of the system. Happily this has brought improvements in the first three-quarters of the current year which I hope will be sustained through to the end-year position.
- 1.1.5 Against this background I am satisfied that the overall level of service quality in development control is good. Other aspects of the service including enforcement, planning advice, consultation and the general soundness of approach are robust. Nevertheless the development control process, as far as the determination of planning applications is concerned, will need to be continuously examined and business processes reviewed and transformed if we are to make significant performance improvements in the next few years. This will be a priority for the service managers who will of course need to work closely with members bearing in mind the very strong and well established links that exist on planning matters.

## **1.2 Appeals**

- 1.2.1 The performance in the outcome of planning appeals for the period from April 2006 to the first week in February 2007 is compared to previous, full years, in the table below.

<b>Year</b>	<b>Appeals allowed</b>	<b>Appeals dismissed</b>
<b>2004/5 full year</b>	28.57%	71.43%
<b>2005/6 full year</b>	33.33%	66.67%
<b>2006/7 to first week in February</b>	<b>26.32%</b>	<b>73.68%</b>

1.2.2 The outcome of planning appeals can be dependent on many factors and although it is currently a Best Value Performance Indicator it is difficult to draw too many conclusions from these figures.

1.2.3 Nevertheless it is encouraging to note that overall the Council's performance in defending the decisions made has improved during the most recent period and judging on the nationwide picture last year this would place us in the second quartile and better the national average of appeals dismissed which currently stands at 67%.

### **1.3 Legal Implications**

1.3.1 In both the determination of planning and allied applications and the conduct of appeals it necessary to ensure that the whole process is conducted in a lawful and legally reasonable fashion in accordance with legislation, regulations, national planning guidance and policy.

### **1.4 Financial and Value for Money Consideration**

1.4.1 The performance figures will affect the final settlement of PDG for 2007/8 and will be based in various aspects on performance until the end of March 2007. The final settlement will provide funding for continuation of some temporary staff resources that have been provided from previous PDG settlements and have been used to achieve the performance improvements over the last few years.

### **1.5 Risk Assessment**

1.5.1 A failure to maintain and improve performance in these areas would lead to under performance in obtaining PDG and thus the retention of temporary staff and investment in planning related ICT.

### **1.6 Conclusions**

1.6.1 Bearing in mind the continuing focus on the speed of decision making, not least as expressed in the Barker Report, it is clear that the pressure for improved

performance will continue into the future. We will need to continue in our approach of seeking change in processes to improve speed of performance. It is clear that there is a real need to act decisively to further revise our approach if we are to make further substantial improvements and avoid difficulties with inspection and audits in the future. I therefore intend to review the value and benefit of each action that we take in relation to the processing applications and ensure expeditious procedures are in place while not damaging the quality of the final decision or the overall integrity of the process.

Background papers:

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Nil

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