

**Report to: Planning Committee, 22 June 2023**

**Report of: Corporate Director -Planning and Governance**

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**Subject: PLANNING COMMITTEE ANNUAL REPORT 2022/23**

**1. Recommendation**

**1.1 That the Committee approves the Planning Committee Annual Report 2022/23; and**

**1.2 That the Annual Report be submitted to Council for information.**

**2. Background**

2.1 As part of an update to the Constitution, Part 12 Good Practice Planning Protocol, the Council approved the Monitoring Officer's recommendation that the Planning Committee should produce an Annual Report of its activities in the previous year. This brings it into line with the practice of the regulatory committees Audit and Governance, and Standards, which produce an Annual Report. This process provides a level of visibility of the overall activity levels and functions being undertaken by these Committees on behalf of the Council as a whole.

**3. Preferred Option**

3.1 The Annual Report for the 2022/23 municipal year is attached at **Appendix 1** for consideration. The Annual Report shows how the Planning Committee has successfully achieved its objectives over the last year and shows the main areas of focus and overall work programme for the Committee. The report also addresses the improvements in performance of the Planning service as a whole over this year and it highlights learning points for further consideration.

**4. Alternative Options Considered**

4.1 None.

**5. Implications**

5.1 Financial and Budgetary Implications  
None.

5.2 Legal and Governance Implications  
The preparation of an Annual Report is good practice and serves to highlight the work that the Committee has undertaken during the course of the year to help discharge the Council's statutory functions as a Local Planning Authority.

5.3 Risk Implications  
None.

- 5.4 Corporate/Policy Implications  
The Annual Report should be reported to the full Council for information.
- 5.5 Equality Implications  
None.
- 5.6 Human Resources Implications  
None.
- 5.7 Health and Safety Implications  
None.
- 5.8 Social, Environmental and Economic Implications  
None.

**Ward(s):** All wards  
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**Background Papers:** None.



**WORCESTER CITY COUNCIL**

**ANNUAL REPORT OF THE**

**PLANNING COMMITTEE**

**2022/23**

# **ANNUAL REPORT OF THE PLANNING COMMITTEE 2022/23**

## **FOREWORD**

Welcome to the Annual Report of Worcester City Council's Planning Committee for the Municipal Year 2022/23.

This is the first year that the Planning Committee has completed an annual report; in March the Council agreed that it would be consistent with the practice of the other regulatory committees to produce a report on the Planning functions discharged by this Committee.

The purpose of the Annual Report is to provide Members with an understanding of the role of the Committee and to highlight the work that it has undertaken over the last twelve months.

The national Planning Advisory Service, supported by the Local Government Association, says:

*"Planning committee is a significant investment of time and resources for most councils, and requires the close coordination of planning, democratic services and legal teams. It is an important shop window for the council and plays a crucial role in providing democratic and transparent decisions on sometimes controversial issues."*

The key theme for this year has been performance improvement. The new officer management team has been appointed during this year, following a period in which the service had been stabilised by strong leadership including through use of senior interim resource. A number of changes have been made to the way that planning applications are managed, which have resulted in the improvements set out in this report.

Committee Members have been diligent and focused on undertaking this role and I would like to thank them all for the individual contributions that they have made over the last year. There has been a high level of engagement of Members in the work of the Committee and through the determination of planning applications, the Committee has made a significant contribution to the discharge of the Council's statutory duties as a Local Planning Authority.

The work programme of the Committee is the overall responsibility of the Corporate Director- Planning and Governance, Sian Stroud. The meetings and agenda management for the Committee have been supported by the Head of Planning, Duncan Rudge, Service Manager Paul Round and Deputy Service Manager Charlotte Atkins, with legal advice from Georgina Coley and Committee administration from Margaret Johnson.

Finally, I would like to thank the previous Chairs Cllrs Chris Mitchell and Cllr James Stanley and Vice Chair Cllr Pat Agar who led the Committee during this year.

Councillor Karen Lewing  
Chair  
June 2023

## **1. Background**

- 1.1.1 As a regulatory committee, the work programme of the Planning Committee is directed towards the management and determination of planning applications. The development of policy work is led by the Place and Economic Development Committee, which also receives quarterly performance data on the performance of the Planning Service as a whole.
- 1.2 All Councillors are eligible to be Members of the Planning Committee. The size of the Committee shall be determined from time to time by the Council. Any Member who wishes to sit on Planning Committee or the Place and Economic Development Committee (whether as an appointee or as a substitute) must undertake a training course provided by the Council's Planning Service and Legal Service.

## **2. The Role of the Committee**

- 2.1 The Committee's functions are described in Part 3 of the Constitution, as follows:
- Functions relating to town and country planning and development control;
  - Imposing such conditions, limitations, restrictions or other terms as it considers appropriate on any approval, consent, licence, permission or registration granted in the exercise of the functions set out above;
  - In respect of the functions set out above, determining whether and in what manner to enforce any failure to comply with any approval, consent, licence, permission or registration granted by the Committee (or by an officer acting under delegated powers) or any failure to comply with a condition, limitation or terms to which any such approval, consent, licence, permission or registration is subject;
  - Powers relating to the protection of important hedgerows and the preservation of trees;
  - Functions relating to high hedges under the Anti-social Behaviour Act 2003;
  - The creation, stopping up or diversion of footpaths and bridleways;
  - Preparation of Planning Briefs;
  - To respond to consultations on planning matters, both locally and nationally.
- 2.2 The Committee takes responsibility for discharging those Planning functions of the Council which are not delegated to officers, in accordance with Part 18 of the Constitution (officer scheme of delegation). In practice, this means the Committee's work programme is focussed on planning applications which either fall outside of the officer scheme of delegation, or have been specifically "called in" by a Member so that they can be determined by Committee instead of officers.

## **3. Meetings of the Committee**

- 3.1 For the 2022/23 Municipal Year, the Committee membership was as follows:

Councillors Agar, Allcott, Amos, Barnes, Bisset, Cleary, Desayrah, Shafaz Ditta, Lewing, Mitchell and Roberts.

- 3.2 The Committee met 11 times during this year. Meetings were open to the public. Across the whole year, 21 members of the public came to speak at Committee. These included applicants, agents and objectors. Some local ward members also spoke at a number of planning committee meetings.

#### **4. Matters considered by Committee**

4.1 The Committee considered 35 applications over the last year approving 25 applications and refusing 10, of which 4 decisions were contrary to the officer recommendation. The following breakdown shows the types of application approved;

- Householder – 7 applications
- Residential Dwellings – 5 applications (a total of 149 units)
- Others (including Listed Building Consents and Variations) – 13 applications

4.2 The Committee conducted 7 site visits throughout the year.

4.3 Other matters that were considered during this year, were the Local Validation Document and the Heritage at Risk Register. The Committee also considered two sets of changes of the Council’s Constitution. These changes will improve the governance arrangements relating to the handling of planning applications and improve efficiency.. Firstly, the Committee recommended to Council the abolition of the “minded to refuse” process which had created a cumbersome route to overturning officer recommendations at Committee. This process was replaced with a clearer mandate for the Committee to refuse matters outright, but still having regard to officer advice about the formulation of refusal reasons, giving full planning reasons for the decision, and where necessary to delegate the writing up of those reasons to the Corporate Director, in consultation with Chair and Vice Chair. Secondly, the Committee recommended to Council changes to the rules relating to the procedure for public speaking at Committee and the Committee recommended clarifications to the scheme of delegation and the Good Practice Planning Protocol. All of these changes have now been adopted and put into operation.

#### **5. Performance of the Planning Service, April 22-March 23**

##### ***Planning application statistics***

5.1 Planning performance is monitored by Government who provide specific categories and targets for the speed in which applications are to be determined, including decisions made within an extended period of time that has been agreed with the applicant or their agent. Planning application categories for performance monitoring purposes are Major, Minor, Householder and Other,

The following table sets out the statistics for 2022/23.

	Total Decisions	No. Approved	No. Refused	% within time*	Govt Target
Major	16	13	3	68%	60%
Minor	107	90	17	80%	70%
Householder	293	270	23	88%	70%
Other	122	111	11	87%	70%

\* % of decisions made within 8 or 13 weeks or within agreed extension of time

Total Received	Total Decisions*	No Delegated	% Delegated
531	544	508	93%

\* 'Total Decisions' include other decisions not included in the 4 categories above

### ***Service improvements and staffing***

- 5.2 Members will be aware that the Planning Service has been under a process of improvement for the past 2 years, on a range of matters including timeliness, quality of responses and customer expectations. Under the new leadership of the Corporate Director, Interim senior managers Sim Manley and Andy Thompson had initiated a series of major service improvements, started to tackle the development management caseload and the quality of reports and general throughput, including to Committee. The new permanent Head of Planning - Duncan Rudge was appointed in February 2022 and was joined by the new Service Manager Development Management - Paul Round in September 2022 and the Deputy Service Manager, Charlotte Atkins in August 2022.
- 5.3 During this year, the team has brought forward new processes for the validation of planning applications, and an Enforcement Plan for planning enforcement. They have renewed the Council's commitment to continuous professional development for all officers in the team and undertaken close supervision of caseloads and officer reports. Efforts have been made to learn directly from customers through face-to-face meetings and regular dialogue with key stakeholders in the city.
- 5.4 Excellent progress has been made on the backlog of undetermined planning applications. When the year began, the Planning Service had a backlog of planning applications of circa 350 cases. Even taking account of extensions of time agreed with applicants or their agents, and resourcing pressures across planning departments nationally, this level of backlog was unacceptable. When the year ended, this backlog had been reduced by around 78%. As at the date of this report, the number of older applications that remain undetermined over the statutory 13 weeks stands at around 80 applications. Although this number is still too high, it should also be recognised that applicants that have been waiting for a decision on their application would in most cases still prefer to try and resolve technical issues and negotiate an acceptable policy compliant development than have their application refused.
- 5.5 The Corporate Director invited the Internal Audit Service to undertake a review of the customer's experience when progressing a planning application with the Council. The findings of that audit will be reported to the Audit and Governance Committee and recommendations will be promptly actioned and reported back to Members. It is recognised that customers of the Planning Service are a much wider group than applicants and agents; learning from feedback from residents and businesses as well as local organisations is also crucial and is an integral part of the ongoing service improvement activity.

## ***Feedback and complaints***

- 5.3 In the year from 1<sup>st</sup> April 22 to 31<sup>st</sup> March 23, 10 complaints relating to planning matters were dealt with under the Council's corporate complaints policy. Of these, 1 was upheld, 3 were partially upheld, and 6 were not upheld. Two complaints were referred by the complainants to the Local Government Ombudsman, and in both cases the Ombudsman decided not to investigate and therefore took no action. To the extent that there are common themes from the complaints which were partially or fully upheld, these relate to legacy issues relating to significant delay and backlog in the planning system, or handover issues arising between officers, and a lack of clear advice or communication on planning case files, something that the team are working hard to rectify.
- 5.4 The Planning Service also received 9 compliments from customers during this year, which were formally recorded. The theme from the positive feedback has been about officers providing advice that has been genuinely helpful to customers in progressing their concerns (whether about their own application or another planning related matter).
- 5.5 For learning purposes, one complaint should be brought to the Committee's attention. The complaint related to the presentation of greenspace considerations on a planning application, after it was determined by Committee on 24<sup>th</sup> November 2022. The application was for a residential scheme at the former St Placides site, Battenhall Avenue, application ref 21/01023/FUL. The complaint was partially upheld at Stage 2 of the Council's corporate complaints process by the Corporate Director. A detailed complaint response was provided by the Corporate Director, following a meeting and discussions with the complainant and relevant officers. This response will be shared in full with Members of the Committee, on a confidential basis.
- 5.6 The salient learning points, for the purposes of this annual report are that:
- (i) An objector that registers to speak on an application being reported to the Planning Committee must be made aware of any late papers in advance of the meeting;
  - (ii) An objector or consultee to a planning application should be able to have confidence in the quality of presentation and balance of information presented to those determining the application; and
  - (iii) Where, as a result of an upheld complaint, it is accepted that there was room for improvement in the level or nature of information presented to those determining a planning application, even if the outcome is unlikely to have been different, there is a need to ensure that the planning record is detailed and accurate going forwards, so that proper weight can be given to all relevant matters should there be future related planning applications.
- 5.7 The complainant was a neighbour who had a high level of local knowledge about the application site and the greenspace and biodiversity considerations in this locality. He had taken the trouble to prepare detailed and reasoned responses to the consultation on this application and had attended Committee himself and made representations as part of the formal Public Speaking arrangements. At the meeting



he was concerned by the treatment of a late paper, and its contents (which he had not seen in advance of the meeting) and more generally the level of discussion that was led by officers on the matter of green space and biodiversity, which, it is accepted, is material to the application.

5.8 In the Stage 1 complaint response it was accepted that he should have been provided with a copy of the late papers in advance of the meeting. Procedures have since been changed to ensure that those registering to speak at Planning Committee meetings are sent a copy of the late papers by email. In the Stage 2 complaint response it was accepted that the presentation by officers of these issues at the Committee meeting itself, could have been improved, and this may have allowed the complainant to feel more assured that due consideration was being given to these significant planning policy matters, even if the outcome would not have been different. It is not considered that the Planning Committee members misunderstood the requirements of the policy or were misled, just that the presentation to the committee could have been clearer. Furthermore, the complainant sought and received reassurance from the Corporate Director and Head of Planning that consultee comments from the Landscape Officer in respect of green space considerations had been properly considered and would again feature prominently in any future consideration of planning applications in this locality.

5.9 The complainant also asked:

*"I would like to request that a formal statement is made to the planning committee to explain the items relating to my complaint that have been upheld in respect of how the green space considerations were presented or explored and that [the Landscape Officer's] first strong objection (which he still stands by and suggests is carried forward to the next application) was not published in the documents to the committee."*

5.10 The Corporate Director has discussed this with the Head of Planning, and it has been agreed that consultees on planning applications (internal and external) should be encouraged to provide written consultation responses on amendments to planning applications that are clear about any changes in their advice and whether a previous objection has been overcome or not. References back to a previous objection are not always helpful and can lead to uncertainty.

5.11 Officers are grateful that this complainant has shared his time and understanding in pursuing these matters with us; the feedback has been genuinely valuable as we continue to improve the performance of the Planning Service and its dealings with its customers.

## **6. Appeals and legal challenges**

6.1 During the year the Council has received 32 appeal decisions. 61% were dismissed i.e. supporting the Council's decision.

6.2 There was only case where the Planning Inspector allowed an appeal which the Planning Committee had refused contrary to the Officer recommendation. This related to a variation of condition application for the Aldi store at Tybridge Street. The Inspector noting that temporary arrangements had been in place and continued since December 2000 without noise complaints he concluded "...that the extended

delivery hour sought would have no adverse effect on the living conditions of adjoining neighbouring residents in terms of disturbance by noise intrusion..." and that "...light pollution associated with the delivery vehicles would not harmfully impact upon the living conditions of the neighbouring occupants." There appellant did not submit a costs application.

- 6.3 A decision that the Planning Committee made on a cross-boundary application submitted to all three of the South Worcestershire Councils, which relates to a mixed use development including 2204 dwellings (SWDP45/1 – Broomhall Community and Norton Barracks Community (Worcester South urban extension refers) is the subject of a judicial review, that has been brought by the Worcestershire Acute Hospitals NHS Trust because the Trust considers that the Councils should have sought s106 developer contributions toward acute healthcare services to bridge a gap in their first year funding for new residential development. The councils were not satisfied that the request for s106 funding met the relevant legal tests set out in the Community Infrastructure Levy Regulations and in any event, development viability pressures meant that the development could not contribute fully to all infrastructure investment requests and the councils prioritised the delivery of affordable housing. The Judicial Review hearing is scheduled for July this year and is to be held in London. Officers will update members in due course.

## **7. Related policy matters**

- 7.1 In terms of planning policy development, Planning Committee continues to make decisions on planning applications having regard to the current South Worcestershire Development Plan. Because the council cannot currently demonstrate a five-year supply of housing land (currently 3.26 years), the tilted balance (ref. Para 14 of the National Planning Policy Framework) applies and Planning Committee considers very carefully on a case by case basis what weight to attribute to individual policies. Committee members have been briefed on the tilted balance and how this is to be applied compared to the normal planning balance when a five-year housing land supply can be demonstrated and where the development plan is up to date i.e. not more than 5 years old.
- 7.3 The review of the South Worcestershire Development Plan is ongoing. Public consultation at Regulation 19 stage of the plan making process took place late in 2022 and officers of the three south Worcestershire Councils are working through the representations that were received with the aim of submitting the plan to the Planning Inspectorate later this year. Officers will be briefing Committee members later this year about being able to apply some weight to certain emerging policies in advance of any plan examination.

## **8. Conclusion**

- 8.1 The Planning Committee plays a central and highly visible role in the Council's development management decision-making processes. This Committee meets most frequently of all the committees and under the Constitution, Members are expected to discharge significant duties in this important regulatory function. The Planning Advisory Service and the LGA recognise that public confidence - from all types of customers of the planning system - is paramount for a local planning authority. This year the officer support to the Committee's work programme has made positive strides towards excellence and this improvement programme must be sustained;

Members of the Committee have made and will continue to make a very considerable contribution to this.