



Worcester
CITY COUNCIL

WORCESTER CITY COUNCIL

ANNUAL REPORT OF THE

PLANNING COMMITTEE

2023/24

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FOREWORD

Welcome to the Annual Report of Worcester City Council's Planning Committee for the Municipal Year 2023/24.

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 (PAS), supported by the Local Government Association (LGA), 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 a continuation of performance improvement, building on the successes of last year. The new officer management team is now well established, and the service has been stabilised by strong leadership. A culture of continuous improvement has brought about changes in the way that planning applications are managed, leading to improved, more robust decision making, better results on the ground where development does take place and refusal of applications for inappropriate development. This is demonstrated in the excellent performance both in determination of planning applications and the defence of those decisions at planning appeal.

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 Steph Bartley-Smith and Committee administration from Margaret Johnson.

Finally, I would like to thank my Vice Chair Cllr Pat Agar who has helped and supported me in chairing the Committee during this year.

Councillor Karen Lewing
Chair
July 2024

1. Background

- 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 the planning merits of a development proposal can be debated in public and applicants or their agent as well as members of the public may take part in public speaking arrangements to either promote and support an application or voice their concerns.

3. Meetings of the Committee

- 3.1 For the 2023/24 Municipal Year, the Committee membership was as follows:

Councillors Agar, Allcott, Amos, Cleary, Cross, Desayrah, Ditta, Lewing, Round, Smith and Udall.

3.2 The Committee met 10 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 34 applications over the last year approving 33 applications and refusing 1, all decisions made by the Committee were in line with the officer recommendation. The following breakdown shows the types of application approved;

- Householder – 2 applications
- 'FULL' applications – 30 applications (a total of 29 units)
- Others (including Listed Building Consents and Variations) – 4 applications

4.2 The Committee conducted 9 site visits throughout the year.

4.3 Other matters that were considered during the year, were the the Heritage at Risk Register.

5. Performance of the Planning Service, April 23-March 24

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 2023/24.

	Total Decisions	No. Approved	No. Refused	% within time*	Govt Target
Major	9	7	2	100%	60%
Minor	119	100	19	92%	70%
Householder	212	196	16	98%	70%
Other	103	92	11	93%	70%

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

Total Received	Total Withdrawn	Total Decisions*	No Delegated	% Delegated
448	36	447	414	92%

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

- 5.2 38% of Householder applications were determined within 6 weeks of validation. Many Householder type planning applications are relatively straight forward and do not need to be reported to Planning Committee. Any necessary amendments can be negotiated by officers in a timely manner under the council's scheme of delegation. The council should be particularly proud of the performance, for growing families, those needing to care for elderly relatives or those wishing to have extra space for homeworking for example, to receive a decision on a householder type planning application within 6 weeks, limits how long they might be anxiously awaiting a decision, allows them to forward plan building work and then enjoy the space they need.

Service improvements and staffing

- 5.3 Members will be aware that the Planning Service has been under a process of continuous service improvement for the past 3 years, on a range of matters including timeliness, quality of responses, managing customer expectations and achieving customer excellence.
- 5.4 During this year, the team has continued to refine internal processes and procedures for the validation and determination of planning applications and streamlined the management and investigation of enforcement complaints. The service has also demonstrated a strong commitment to continuous professional development for all officers in the team and the management team provides support and close supervision of caseloads where required to ensure consistency in recommendations and decision making. The format, content and overall quality of officer reports has also improved. The planning team continue to carry out face-to-face meetings and maintain a regular dialogue with key stakeholders in the city, including Parish Councils and the Civic Society.
- 5.5 Excellent progress continues to be made on the backlog of undetermined planning applications. In 2022, the Planning Service had a backlog of circa 350 planning applications. 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. By April 2023, this backlog had been reduced by around 78%, with the number of older applications that remained undetermined over 13 weeks was around 85 applications. The 13 weeks 'backlog' level is a stricter definition to that employed by Government who consider applications over 26 weeks as being 'backlog'. By using the 13 week as a local measure, the Planning Service is in a better place to address any outstanding issues with applications.
- 5.6 In January 2024, the Council was successful in securing funding from DLUHC to help reduce this backlog further which has enabled the team to further focus on the more complex outstanding applications. The current figure of older applications over 13 weeks is approximately 40 applications. It should be noted that a local planning authority should expect to carry a small backlog of planning applications where development proposals are complex, but it is appropriate to allow time to negotiate with an applicant to achieve a planning policy compliant scheme that might be expected to deliver significant public benefits.
- 5.7 During the year, the Corporate Director invited the South Worcestershire Internal Audit Service (SWIA) to undertake a review of the customer's experience when progressing a planning application with the Council. On the 2nd August 2023 SWIA published their report 'Planning Applications - Customer Journey 2022-23'. This

concluded that *"In the last 12 months Worcester City Council has seen a positive direction of travel made within the customer journey as since the appointment of the new Head of Service and the permanent appointment to Managerial posts the service has looked for ways to improve the customer experience..."* No failings were identified, and only minor recommendations were made to strengthen the service in respect of the Planning Committee experience, the Planning System, Payment Methods and the Duty Phone. All these are being incorporated into the wider service improvements.

- 5.8 The Development Management team currently has no vacancies with all permanent posts within the service structure filled with permanent members of staff.

6.0 Feedback and complaints

- 6.1 In the year from 1st April 2023 to 31st March 2024, 18 complaints relating to planning matters were dealt with under the Council's corporate complaints policy. All of these complaints were thoroughly investigated to understand customer concerns but the majority of these complaints were not upheld. Only one was upheld in relation to delays to a planning application, and three were partially upheld. Six of the complaints were escalated to 'stage two' where only one was upheld and a refund offered to the customer as a gesture of good will. Two of the complaints were referred by the complainants to the Local Government and Social Care Ombudsman (LGSCO) but both were closed after the LGSCO had completed their initial enquiries, indicating that they were satisfied with the investigation carried out by the council into the customers concerns and the explanations provided.
- 6.2 The Planning Service also received 16 compliments from customers during the year, which were formally recorded, the highest number of for a service across the whole of the Council. The theme from the positive feedback has been about staff in the planning service providing good quality and timely advice and guidance, that has been genuinely helpful to customers in progressing their concerns (whether about their own application or another planning related matter).

7. Appeals and legal challenges

- 7.1 During the year the Council has received 14 appeal decisions. 86% were dismissed i.e. supporting the Council's decision.
- 7.2 Out of the two allowed appeals one case is worth highlighting. This related to prior notification application for an upwards extension at Rose Villa, Nunnery Lane. The application was refused based upon the impact on neighbouring properties with specific reference to daylight and the 45 degree code. The Inspector found that as a matter of fact the 45 degree code would not be breached and the separation distances involved would ensure that no adverse harm would result. The Inspector also awarded costs against the Council in respect of the assessment of daylight, stating "...it is clear that the Council could not have undertaken a proper 25 degree guide assessment of the proposal, otherwise it would have found that the proposal accorded with its own guidance...". This case highlights the importance of ensuring that decisions are based upon factual evidence that follows adopted policy and guidance.

7.3 Although, outside the last municipal year, it is worthy of note that the appeal decision for Land at Broomhall Way was issued on the 3rd July. Members may recall that the proposal for 10 Traveller Pitches was proposed on land that formed part of the Green Space allocated as part of the South Worcestershire Urban Extension. Following a Hearing in June, the Planning Inspector agreed with the Planning Committee that the proposal would be in conflict with the plan-led approach to development within the city and would adversely impact on the character and appearance of the landscape. This is a key decision for the Council highlighting clearly that strategic approach to development as set out within the development is paramount and the important of preserving Green Spaces and remaining landscapes as part of the urban extensions.

8. Planning Enforcement

- 8.1 Following public consultation in 2023, the Local Enforcement Plan has been adopted (January 2024) This provides an overview of the purpose of planning enforcement and sets out how we will deliver this service.
- 8.2 Since the departure of the previous Planning Enforcement Officer in July 2023, and subsequent engagement of an interim contractor and recruitment, the team now comprises two, full time, permanent officers, supported by the Deputy Service manager, Development Management
- 8.3 Procedural improvements are ongoing to ensure that the service is both efficient and effective, balancing reactive with some proactive enforcement work. The service has also focussed on ensuring that working practices accord with the General Data Protection Regulations. As a result of the improvements to date there has been a significant reduction in the overall number of enforcement cases on hand Since July 2023 the number of cases on hand has reduced from 292 to approximately 168, despite an increase in the number of complaints received and being investigated.

PERIOD 1 April – 30 March	CASES RECEIVED & INVESTIGATED	CASES CLOSED
2023/2024	274	380
2022/2023	223	217
2021/2022	229	137

TYPES OF CASE INVESTIGATED 2023/2024	
Type	Percentage
Advertisements	6%
Breach of Condition	17%
Change of Use	11%
Demolition	2%
Unauthorised Development	34%
Not in Accordance with Approved Plans	17%
Works to a Listed Building	2%
Works to Protected trees	1%
Untidy Land	21%
Other	1%

- 8.4 In the 2023/2024 period the Council has served 9 Enforcement Notices and 6 section 215 Notices ('tidy up'), compared to 5 and 0, during the previous period (2022/2023).
- 8.5 A briefing on 'Untidy Land and Properties' was presented in closed session to Place and Economic Development Committee in June. This provided information on the collaborative and multi-disciplinary approach to tackling these cases. The planning enforcement team has more recently been working with the Council's Environmental Enforcement Team to ensure that resources and statutory powers are best used to try to achieve the optimal outcome.

9. **Related policy matters**

- 9.1 In terms of planning policy development, Planning Committee continues to make decisions on planning applications having regard to the current South Worcestershire Development Plan, adopted in 2016. Paragraph 226 of the NPPF sets out that for Local Planning Authorities that have reached Regulation 19 stage or submitted their Local Plan for examination, they only need to demonstrate a four-year housing land supply. The review of the SWDP was submitted for examination in September 2023, therefore the Council meets the requirements of paragraph 226, and only needs to demonstrate a four-year supply of housing land. The Council can currently demonstrate a housing land supply 4.99 years. This is important because it means that for development management purposes and making decisions on planning applications for housing, SWDP policies carry full weight and what has become known as the "tilted balance" (NPPF Para 14) is not engaged. For Worcester, this means that valuable green space is better protected against inappropriate development, and we have a plan-led approach to planning.
- 9.2 The review of the South Worcestershire Development Plan was submitted for independent examination in September 2023, and the examination is ongoing. The submission of the plan follows a number of years of evidence base work and multiple rounds of public consultation to inform plan development and to get to this stage. The Inspectors appointed to carry out the examination of the South Worcestershire Development Plan Review have produced initial questions to which the South Worcestershire Councils have responded and have identified that some further updating of evidence is required. This work is currently on-going, with the conclusion expected to be in October 2024 with submission of the additional evidence to the examination. Thereafter, the Inspectors will then indicate what the next stages of the examination process will be, and a detailed timetable for examination hearings and the latter stages of the examination through to adoption can then be identified.
- 9.3 Should the examination lead to the Plan review being found sound, the Plan will be presented to each of the South Worcestershire Councils for adoption. Upon adoption the Plan review replaces the currently adopted South Worcestershire Development Plan and will be used to inform decision making on planning applications.
- 9.4 The City Council is represented at on the Joint Advisory Panel (JAP) by Cllrs Agar, Cross, Lewing, Norfolk and Scott, where the panel receives and considers progress reports with respect to the production of the Development Plan and, if necessary and appropriate, make recommendations to the South Worcestershire Authorities.

10. Conclusion

- 10.1 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 (PAS) and the Local Government Association (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 by ensuring that the service continues to be appropriately resourced; Members of the Committee have made and will continue to make a very considerable contribution to the effective operation of the council's planning authority function.