

Overview and Scrutiny Committee

7 September 2020

NI157a %age major planning applications determined in 13 weeks or agreed extension

Type of Major Applications

The classification/threshold of major applications is set by the MHCLG as follows:

Large Scale Major Development

- 200 dwellings or more; or 4 hectares or more site area
- Offices/Research and Development/Light Industrial 10,000 sqm or more; or 2 hectares or more site area
- General Industrial/Warehousing 10,000 sqm or more; or 2 hectares or more site area
- Retail Distribution and Servicing 10,000 sqm or more; or 2 hectares or more site area
- Gypsy and Travellers 200 or more pitches
- All other large scale major developments 10,000 sqm or more; or 2 hectares or more site area

Small Scale Major Development

- 10 to 199 dwellings; or 0.5 to 2 hectares site area
- Offices/Research and Development/Light Industrial between 1,000 to 9,999 sqm; or site is 1 hectare and less than 2 hectares
- General Industrial/Warehousing 1,000 to 9,999 sqm; or site is 1 hectare and less than 2 hectares
- Retail Distribution and Servicing 1,000 to 9,999 sqm; or site is 1 hectare and less than 2 hectares
- Gypsy and Travellers 10 to 199 pitches
- All other small scale major developments 1,000 to 9,999 sqm; or site is 1 hectare and less than 2 hectares

Both large scale and small scale major applications have a determination period of 13 weeks, unless an Environmental Statement is submitted with the application, then the determination period will be 16 weeks.

Legislative Background

The time periods for decision making for planning applications are set under paragraph 34 (2a) of the Town and Country Planning (Development Management Procedure)(England) Order 2015 (as amended). For major applications, the period is “13 weeks beginning with the day immediately following that on which the application is received by the local planning authority”.

Paragraph 34 (2C) allows for extension of time to be agreed between the applicants and the Local Planning Authorities.

Development Management are required to complete PS1 & 2 returns to MHCLG quarterly to report the number of applications received and determined during the quarter. The PS2 element of the return details, by application types, the number of applications determined with

8/13 weeks or with an extension of time agreed with the applicant/agent. If any applications are determined 'out of time' they would be reported within the PS2 return. Planning Services also records this data internally monthly for input into the corporate performance monitoring system (P+).

Performance in 2019/20; 2018/19

Development Management have achieved 100% performance, with extensions of time, for major applications in both of the time periods.

Why Extensions of Time are required

The government acknowledges that most major applications can be complex and there could be many related technical issues to be resolved to make development acceptable. In addition, it is very likely that major applications would require S106 agreements to secure planning obligations e.g. affordable housing, education contributions and highway improvement works.

The negotiation of the details of the S106 agreements could often be protracted, in particular when viability assessments are required. The process would often bring the decision period outside 13 weeks. Hence extensions of time are allowed and stated in the planning legislation.

It is considered to be good practice that the Borough Council makes use of this tool in agreement with the applicant. This ensures that the Council can fully assess the impact of the proposal, and negotiate any amendments, before completing the complex legal agreements in order to ensure that the impact of the proposal is mitigated and managed. Extensions of time can also ensure that the public has the opportunity to comment on all aspects of the proposal, as well as giving the applicants the confidence that the applications are being dealt with in a timely manner.