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**10 April 2018**

Dear Member

## **Planning Committee – 18 April 2018**

Please find attached an updated report for Item 12 on the agenda (Planning Performance – Quarter 4) – this includes the missing paragraph at page 120 of your pack and correct numbering of paragraphs

Apologies for any confusion.

Yours sincerely

**Sally Gabriel**  
**Member Services Manager**

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## AGENDA ITEM

### PLANNING COMMITTEE

DATE: 18<sup>TH</sup> APRIL 2018

### REPORT OF MRS JENNY CLIFFORD, THE HEAD OF PLANNING, ECONOMY AND REGENERATION

### PLANNING PERFORMANCE AGAINST TARGETS QUARTER 4 OCTOBER – DECEMBER 17/18

**RECOMMENDATION:** For information and discussion.

#### **REASON FOR REPORT:**

To provide the Committee with information on the performance of aspects of the planning function of the Council for quarter 4 17/18

#### **MATTERS FOR CONSIDERATION:**

Performance against targets, the Government's performance assessment and resources within the Planning Service.

#### **RELATIONSHIP TO CORPORATE PLAN:**

The effective operation of the planning function of the Planning, Economy and Regeneration Service including the processing of applications is central to achieving priorities in the Corporate Plan.

**FINANCIAL IMPLICATIONS:** Planning performance has the potential for significant financial implications in the event that applications are not determined within 26 weeks or an extension of time negotiated. In that instance the planning fee is returned. Through the issue of planning permissions for new dwellings the service enables the award of New Homes Bonus money to the Council.

**LEGAL IMPLICATIONS:** The Government monitors planning performance in terms of speed and quality of decision making. In the event minimum standards are not met, an authority may be designated as underperforming with special measures applied that allow applicants for major development to apply for permission direct from the Planning Inspectorate and bypassing local decision making.

The speed measure is twofold: firstly the percentage of major applications determined within 13 weeks as measured over a 2 year period and secondly the percentage of non- major applications determined within 8 weeks as measured over a 2 year period. The targets of more than 60% and 70% respectively were met for the two year period ending March 2017. The Government's two year assessment period ended in September 2017. Accordingly it is important to continue to meet these targets.

The quality measure is also twofold: firstly the percentage of all major applications determined over a two year period that have been overturned at appeal and secondly, the percentage of all non-major applications determined over a two year period that have been overturned at appeal. The target for both measures of not less than 10% were met over the Government's assessment period.

**RISK ASSESSMENT:** Financial risk as a result of fee return and the designation of planning authorities in special measures for underperformance is referred to above. These aspects are actively monitored, to allow priorities to be adjusted as required to reduce the risk. However this risk is increasing with enhanced thresholds for intervention that also introduce measures for speed and quality of service to cover non-major applications. The speed and

quality of the determination of major applications has been the subject of Government performance indicators for some time.

The current absence of a 5 year housing land supply is resulting in speculative applications for major scale development on non-planned sites. Achieving the quality measure threshold for major application performance at appeal becomes more challenging within this context.

**EQUALITY IMPACT ASSESSMENT:** No equality issues identified for this report.

## 1.0 PLANNING PERFORMANCE

1.1 Set out below are the Planning Service performance figures for 2017/18 so far and showing a comparison against those achieved for 2015/16 and 2016/17. Performance data is published quarterly on the Council's website at <https://new.middevon.gov.uk/planning/performance-standards/>

1.2 Performance is set out below and expressed as a percentage unless marked otherwise and reports against a mix of Government and local performance targets.

Planning Service Performance	Target	15/16	16/17	17/18			
				Q1	Q2	Q3	Q4
Major applications determined within 13 weeks	<b>60%</b>	*47%	90%	75%	75%	86%	<b>91%</b>
Minor applications determined within 8 weeks	<b>65%</b>	68%	80%	82%	96%	76%	<b>85%</b>
Other applications determined within 8 weeks	<b>80%</b>	86%	89%	91%	91%	91%	<b>89%</b>
Householder applications determined in 8 weeks	<b>85%</b>	93%	98%	94%	94%	93%	<b>96%</b>
Listed Building Consents	<b>80%</b>	71%	84%	81%	81%	90%	<b>84%</b>
Enforcement site visits undertaken within 15 days of complaint receipt	<b>87%</b>	89%	96%	88%	99%	94%	<b>88%</b>
Delegated decisions	<b>90%</b>	94%	94%	95%	95%	90%	<b>90%</b>
No of applications over 13 weeks old without a decision	<b>Less than 45 apps</b>	40	29	41	42	43	<b>51</b>
Major applications determined within 13 weeks (over preceding 2 years)	<b>More than 60%</b>	53%	82%	83%	83%	83%	<b>84%</b>
Major applications overturned at appeal as % of all major decisions over preceding 2 years	<b>Less than 10%</b>	10%	7%	4%	3.5%	4%	<b>5%</b>
Non-major applications determined within 8 weeks (over preceding 2 years)	<b>More than 70%</b>	N/A	77%	79%	79%	78%	<b>81%</b>
Non-major applications overturned at appeal as % of all non-major decisions over preceding 2 years	<b>Less than 10%</b>	N/A	<1%	<1%	0.2%	0.2%	<b>&lt;1%</b>

Determine all applications within 26 weeks or with an extension of time (per annum –Government planning guarantee)	<b>100%</b>	99%	100%	99%	<b>99%</b>	100%	<b>99%</b>
Building Regulations Applications examined within 3 weeks	<b>95%</b>	72%	88%	96%	<b>86%</b>	<b>98%</b>	<b>97%</b>
Building Regulation Full Plan applications determined in 2 months	<b>95%</b>	97%	<b>91%</b>	84%	<b>95%</b>	<b>96%</b>	<b>99%</b>

\*Important note on application statistic reporting: The statistics for applications determined within 8/13 weeks reported above within 15/16 includes all applications and does not take into account any extensions of time agreed with the applicant or planning performance agreements (PPAs) that have been entered into. Government instructions to Councils over these performance targets remove reporting applications with extensions of time or PPAs from the targets as they are reported separately. Once these have been removed the percentage of major applications determined within 13 weeks compared with the target 60% for **15/16** shows that this performance target was met. For **16/17** and **17/18**, the applications determined within 8/13 weeks figure now include those where there has been an extension of time and indicate performance targets have been met.

## 2.0 APPLICATION PROCESSING- DEVELOPMENT MANAGEMENT.

2.1 As reported on previous occasions, the Government sets a range of additional performance targets for planning authorities in order to drive performance. Those for planning application decision making are used by the Government as indicators of performance in terms of both speed and quality of decision making. They are as follows:

### Speed:

- Majors: More than 60% of major applications determined within 13 weeks (over 2 year period). Mid Devon performance on this for the 2 year period to the end of March 2018 was **84%**.
- Non majors: More than 70% of non-major applications determined within 8 weeks (over 2 year period). Mid Devon performance on this for the 2 year period to the end of March 2018 was **81%**.

### Quality:

- Majors: Previous assessment round -Applications determined over a 2 year period, no more than 20% of decisions to be overturned at appeal. Current assessment period for the 2 years prior to the end of June 2017: no more than 10% of decisions to be overturned at appeal. The Mid Devon figure over the 2 year period ending March 2018 was **5%**.
- Non majors: This indicator of quality of decision making is measured over a 2 year assessment period to the end of June 2017: no more than 10% of decisions to be overturned at appeal. The Mid Devon figure over the 2 year period ending March 2018 was **less than 1%**.

Authorities not meeting these targets risk being designated as underperforming, resulting in the application of special measures.

- 2.2 Application determination performance results for Qu 4 17/18 indicate that the national planning performance indicators continue to be met and exceeded by the service. However this does rely in part upon the agreement of extensions of time with the applicant. There is provision for such agreements in accordance with Government methodology on calculating performance.
- 2.3 The 'planning guarantee' of 100% of applications determined within 26 weeks was recorded at 99%. Extensions of time are secured which reduces the financial risk to the Council of fee return. Such extensions of time are normally sought in order to secure completion of S106 agreements.
- 2.4 The number of applications over 13 weeks old without a decision at the end of this quarter was 51 against a locally set target of 45. The rise in this number of older applications on hand will need to be managed in the next quarter.

### 3.0 APPLICATION PROCESSING – LOCAL BENCHMARKING.

- 3.1 Performance figures for other south west authorities are available on the Government's website, allowing benchmarking. This information shows:

#### **Percentage major decisions within 13 weeks or agreed extension of time year ending December 2017**

Top performing SW authority	100%
Mid Devon	86%
Poorest performing SW authority	76%
England average	88%

#### **Percentage minor decisions within 8 weeks or agreed extension of time year ending December 2017**

Top performing SW authority	97%
Mid Devon	82%
Poorest performing SW authority	67%
England average	85%

#### **Percentage other decisions within 8 weeks or agreed extension of time year ending December 2017**

Top performing SW authority	99%
Mid Devon	91%
Poorest performing SW authority	66%
England average	90%

#### **Speed of non-major decisions January 2016 to December 2017**

Top performing SW authority	97%
Mid Devon	86%
Poorest performing SW authority	80%
England average	83%

#### **Quality of non-major decision making April 2015 to March 2017 (% overturned appeal)**

Top performing SW authority	0.5%
Mid Devon	0.5%
Poorest performing SW authority	1.5%
England average	1.2%

#### 4.0 PLANNING ENFORCEMENT.

4.1 Activity within the enforcement part of the planning service by quarter is as follows:

Enforcement	2015/16				2016/17				2017/18			
	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4
New enforcement cases registered	14	71	54	83	69	75	35	73	53	89	85	91
Enforcement cases closed	47	53	39	62	63	58	56	22	23	127	114	35
Committee authorisation sought	3	2	1	2	4	10	6	3	0	3	3	1
Planning contravention notices served	From Qu 2	9	5	10	5	3	2	1	3	2	2	3
Breach of condition notices served	0	1	0	0	0	0	0	1	0	0	0	2
Enforcement notices served	2	1	0	3	3	2	1	1	6	3	3	1
Section 215 notice									3	1	1	1

The total number of open enforcement cases:  
 At time of writing this report (6<sup>th</sup> April 2018): 152  
 9<sup>th</sup> March 2018: 151  
 20<sup>th</sup> November 2017: 164  
 Late September 2017: 160  
 Early June 2017: 226.

This represents the number of alleged breaches of planning control being investigated at any one time.

4.2 A Local Enforcement Plan has been adopted and sets out how planning enforcement will be managed, how the implementation of planning permissions will be monitored, how alleged cases of unauthorised development will be investigated and action taken where it is appropriate to do so. It also sets out a prioritisation criteria for compliant investigation together with performance standards. These will be monitored from the 1<sup>st</sup> April 2018 and will form part of future performance reports.

#### 5.0 FORWARD PLANNING.

5.1 The Forward Planning team continues to prepare for the Local Plan Review examination and associated tasks following the submission of the plan at the end of March 2017. An independent review of the Sustainability Assessment has taken place and at the time of writing this report the consultation on the updated Sustainability Assessment is due to conclude shortly (11<sup>th</sup> April 2018). Consultation

responses will then be summarised and forwarded to the Planning Inspectorate. The Inspectorate has not yet set a date for the plan's examination hearings.

- 5.2 Work also continues on the Greater Exeter Strategic Plan and a first stage of public consultation on the vision and scope of the plan was held between 27<sup>th</sup> February and 10<sup>th</sup> April 2017. A call for sites was also undertaken in connection with this plan. The evidence base to support the plan is currently being produced. The strategic plan work will continue to consider strategy options and growth areas with site assessments contributing to formulating proposed strategic allocations. A draft plan is due to be considered at committee meetings of Mid Devon, Exeter City, East Devon and Teignbridge Councils before public consultation.
- 5.3 An updated Local Development Scheme has been prepared, setting out the timescale for the preparation of both the Local Plan Review and the Greater Exeter Strategic Plan. It is due to be considered at the meeting of Cabinet within the next couple of months..
- 5.4 During 2017/18 the service has also instigated the masterplanning of Tiverton and Cullompton Town Centres from a regeneration and investment perspective and Tiverton Eastern Urban Extension in terms of the area to the south of West Manley Lane and land within Area B (southern part of the site). The service has also established governance arrangements for the garden village and held several meetings of the project Board, set up a project team including the appointment of project management and commenced the process of liaison with the community, stakeholders, land owners over the vision for the garden village. Work has also commenced on the commissioning of a design guide SPD for the district.
- 6.0 **BUILDING CONTROL.**
- 6.1 Building Control performance in the assessment of full plans applications was met for this quarter (99%), as was also that for plan checking within 3 weeks (97%). Both measures have a target of 95%.
- 6.2 NMD Building Control, the partnership service with North Devon Council went live at the beginning of April 2017. The service is now being operated out of Tiverton and South Molton. A joint committee oversees the delivery of the functions of the partnership service.

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**List of Background Papers:**

PS1 and PS2 returns  
DCLG Planning performance and the planning guarantee –Government response to consultation. June 2013  
HM Treasury 'Fixing the foundations – creating a more prosperous nation' July 2015  
Improving Planning Performance: Criteria for Designation, DCLG November 2016

**Circulation of the Report:**

Cllr Richard Chesterton  
Members of Planning Committee