

**PLANNING COMMITTEE
6TH FEBRUARY 2019**

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

PLANNING PERFORMANCE AGAINST TARGETS QUARTER THREE 1ST OCTOBER-31ST DECEMBER 2018

REASON FOR REPORT:

To provide the Committee with information on the performance of aspects of the planning function of the Council for Quarter 3 of 18/19

MATTERS FOR CONSIDERATION:

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

RECOMMENDATION: For information and discussion.

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. 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 is not less than 10%. It is important to continue to meet these targets.

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

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 2018/19 so far and showing a comparison against those achieved for 2016/17 and 2017/18. 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	16/17	17/18	Q1	Q2	Q3
Major applications determined within 13 weeks	60%	90%	82%	75%	71%	60%
Minor applications determined within 8 weeks	65%	80%	85%	73%	72%	74%
Other applications determined within 8 weeks	80%	89%	90%	87%	77%	88%
Householder applications determined in 8 weeks	85%	98%	95%	78%	89%	94%
Listed Building Consents determined in 8 weeks	80%	84%	84%	73%	50%	74%
Enforcement site visits undertaken within 15 days of complaint receipt	87%	96%	92%	80%	85%	77%
Delegated decisions	90%	94%	93%	86%	98%	95%
No of applications over 13 weeks old without a decision	Less than 45 apps	29	44	68	75	68
Major applications determined within 13 weeks (over preceding 2 years)	More than 60%	82%	74%	86%	95%	77%
Major applications overturned at appeal as % of all major decisions (over preceding 2 years)	Less than 10%	7%	4%	3%	3%	3%
Non-major applications determined within 8 weeks (over preceding 2 years)	More than 70%	77%	79%	80%	79%	80%
Non-major applications overturned at appeal as % of all non-major decisions over preceding 2 years	Less than 10%	<1%	<1%	0%	0%	0%
Determine all applications within 26 weeks or with an extension of time (per annum –Government planning guarantee)	100%	100%	99%	100%	99%	99%
Building Regulations Applications examined within 3 weeks	95%	88%	93%	95%	92%	87%
Building Regulation Full Plan	95%	91%	96%	99%	97%	96%

applications determined in 2 months						
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For all applications determined within 8 or 13 weeks, the performance figures now include those where there has been an extension of time. This is in accordance with the methodology for reporting planning application determination set out by the Government.

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 last 2 years is **77%**.
- Non majors: More than 70% of non-major applications determined within 8 weeks (over 2 year period). Mid Devon performance on this for the last 2 years is **80%**.

Quality:

- Majors: No more than 10% of decisions to be overturned at appeal. The Mid Devon figure over the last 2 years is **3%**.
- Non majors: No more than 10% of decisions to be overturned at appeal. The Mid Devon figure over the last 2 years is **0%**.

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 1,2 & 3 18/19 indicate that the national planning performance indicators continue to be met and exceeded by the service in the majority of areas. 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. The number of applications on hand that are over 13 weeks old have been increasing over consecutive quarters but this quarter shows a slight reduction which reflects the efforts of the team. It should be noted that the Development Management team still has two posts vacant and once these are filled the on hand numbers should reduce.

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 Over the last 6 months the following posts in the DM team have been vacant at various times

1FTE	Area Team Leader
1.8 FTE	Conservation Officers
1.5 FTE	Principal Planning Officers,
1 FTE	Planning Student

0.5FTE Enforcement Officer
1 FTE Planning Support Officer

To fill these vacant posts we have changed and combined some posts and have looked to provide opportunities to promote suitable existing employees. This has now resulted in the following appointments to vacant posts:

1 FTE Area Team Leader
2 FTE Principal Planning Officers (combining 0.5 PPO and 1 FTE planning Student)
0.7 FTE Enforcement Support Officer
1.8 FTE Conservation Officers
1 FTE Planning Support Officer

Interviews for the two remaining vacant posts in the Development Management team (Planning Assistant/Planning Officer) have now taken place. At the time of writing this report both posts had been offered and accepted, but the new staff members are yet to start.

- 2.5 Recruitment to vacant posts will allow the service to be back up to full strength and reduce the number of older applications on hand.

3.0 PLANNING ENFORCEMENT.

- 3.1 The Local Enforcement Plan was agreed by Council on 21st February 2018. It sets out prioritisation criteria for compliant investigation together with performance standards. These are now the performance standards we will be monitoring and therefore this is the first quarterly performance report that reflects this agreed approach.

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

Q ref	Details	Q1	Q2	Q3
PE01	Register and acknowledge all written complaints. Indicator – within 3 working days	98%	92%	90%
PE02	Highest priority complaint investigation. Indicator - 90% of first site visits before the end of the next working day following registration.	100%	100%	None reported
PE03	High priority complaint investigation. Indicator - First site visit within 3 working days of registration.	100%	100%	100%
PE04	Medium priority complaint investigation. Indicator - First site visit within 10 working days of registration.	94%	88%	100%
PE05	Low priority complaint investigation. Indicator - First site visit within 15 working days of registration.	97%	89%	76%
PE06	Initial response to complainant setting out progress or informing about a decision in cases where there is no breach. Indicator – within 5 working days of the date of the initial site visit.	92%	92%	91%

	Notify complainant that Enforcement Notice has been served or decision that 'no action' will be taken. Indicator – within 5 working days of the issue of the notice [or decision to take no further action].	92%	92%	91%
PE07				
PE08	New enforcement cases registered (See PE01)	93	104	111
PE09	Enforcement cases closed (in quarter)	71	77	96
PE10	Committee authorisations sought	1	1	1
PE11	Total Notices Served	10	3	2
	<i>Planning contravention notices served (PCN)</i>	5	2	0
	<i>Breach of condition notices served</i>	0	1	0
	<i>Section 215 notice (untidy land)</i>	0	0	0
	<i>Section 330 notice (requisition for information)</i>	4	0	0

The total number of open enforcement cases at time of writing this report was 195
30th September 2018: 211.
9th March 2018: 151
20th 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. An administration resource within the enforcement team has recently been recruited following unsuccessful attempts to fill a 0.5 FTE enforcement officer post. This administration support is expected to increase the effectiveness of the two enforcement officers.

4.0 **BUILDING CONTROL.**

- 4.1 Building Control performance in the assessment of full plans applications was met for these quarters. Plan checking within 3 weeks in quarters 2 and 3 was under target and reflects a fluctuation in staffing. Building Control performance is now primarily reported to the meetings of the Joint Committee which oversees the Building Control Partnership service that is being operated with North Devon Council.

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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