

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

**PLANNING PERFORMANCE AGAINST TARGETS QUARTER TWO 1<sup>ST</sup> JULY- 30<sup>TH</sup> SEPTEMBER 2019**

**REASON FOR REPORT:**

To provide the Committee with information on the performance of aspects of the planning function of the Council for Quarter 2 of 19/20

**MATTERS FOR CONSIDERATION:**

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

**RECOMMENDATION: For information and discussion.**

**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 beyond the 26 week date. In that instance if requested, 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 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.

**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.

**IMPACT UPON CLIMATE CHANGE:** No climate change issues are identified arising from this report on service performance.

## 1.0 PLANNING PERFORMANCE

1.1 Set out below are the Planning Service performance figures for Qu2 2019/20 and showing a comparison against those achieved for 17/18 and 18/19. 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.

<b>Planning Service Performance</b>	<b>Target</b>	<b>16/17</b>	<b>17/18</b>	<b>18/19</b>	<b>19/20</b>	<b>19/20</b>
		<b>Year</b>	<b>Year</b>	<b>Year</b>	<b>Q1</b>	<b>Q2</b>
Major applications determined within 13 weeks	<b>60%</b>	90%	82%	77%	33%	<b>75%</b>
Minor applications determined within 8 weeks	<b>65%</b>	80%	85%	73%	65%	<b>85%</b>
Other applications determined within 8 weeks	<b>80%</b>	89%	90%	84%	75%	<b>89%</b>
Householder applications determined in 8 weeks	<b>85%</b>	98%	95%	89%	86%	<b>95%</b>
Listed Building Consents	<b>80%</b>	84%	84%	66%	64%	<b>80%</b>
Enforcement site visits undertaken within 15 days of complaint receipt	<b>87%</b>	96%	92%	81%	68%	<b>65%</b>
Delegated decisions	<b>90%</b>	94%	93%	94%	95%	<b>96%</b>
No of applications over 13 weeks old without a decision	<b>(Less than 45 apps)</b>	29	44	75	82	<b>74</b>
Major applications determined within 13 weeks (over preceding 2 years)	<b>More than 60%</b>	82%	74%	85%	72%	<b>71%</b>
Major applications overturned at appeal as % of all major decisions over preceding 2 years *	<b>Less than 10%</b>	7%	4%	3%	0%	<b>4.84%</b>
Non-major applications determined within 8 weeks (over preceding 2 years)	<b>More than 70%</b>	77%	79%	60%	77%	<b>78%</b>
Non-major applications overturned at appeal as % of all non-major decisions over preceding 2 years **	<b>Less than 10%</b>	<1%	<1%	0%	0%	<b>0.47%</b>
Determine all applications within 26 weeks or with an extension of time (per annum –Government planning guarantee)	<b>100%</b>	100%	99%	99%	96%	<b>99%</b>
Building Regulations Applications examined within 3 weeks	<b>95%</b>	88%	93%	94%	84%	90%
Building Regulation Full Plan applications determined in 2 months	<b>95%</b>	91%	96%	96%	99%	96%

### Note

\* Number of Major Applications received in the last 2 years = 62 and 3 appeals overturned

\*\* Number of other applications received in the last 2 years = 3388 and 16 appeals overturned

For all applications determined within 8 or 13 weeks, the performance figures 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 rolling 2 year period is **71%**.
- 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 rolling 2 year period is **78%**.

### Quality:

- Majors: No more than 10% of decisions to be overturned at appeal. The Mid Devon figure over the last rolling 2 year period is **4.84%**.
- Non majors: No more than 10% of decisions to be overturned at appeal. The Mid Devon figure over the last rolling 2 year period is **0.47%**.

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

2.2 Application determination performance results for quarter two in Qu 19/20 indicate that the national planning performance indicators continue to be met and exceeded by the service in the majority of areas and these indicators in the main show improvement since quarter one 19/20. There is though continued heavy reliance 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 At the time of reporting quarter one 19/20 several areas where performance in quarter 1 was of concern were reported:

- Listed building consent application determination time was recorded as below the 80% target over all four quarters in 18/19 and this is also the case of quarter 1 19/20 at 64%. In quarter 2 this has improved to 80%.
- For quarter one, the wider group of 'other' applications also did not meet the 80% determined within 8 weeks performance target. A figure of 75% was recorded. In quarter two this improved to 89%.
- Major applications determined within 13 weeks. During quarter one, 33% of applications determined were within 13 weeks against a target of 60% (based

on a total of 9 decisions within this quarter). In quarter two this figure has improved to 75%.

- The number of applications on hand that are over 13 weeks old continues to be high following a pattern of increase over consecutive quarters. The rising number of older applications on hand is an indicator of case worker pressure, as is the number of cases on hand per officer. Whilst there has been modest improvement between quarters one and two, the latest figure of 74 applications over 13 weeks on hand remains high.

2.4 The 'planning guarantee' of 100% of applications determined within 26 weeks was recorded at 99%, however two fee return requests were recorded within this period. As a result monitoring arrangements have been reviewed. 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.

2.5 In conclusion, performance in Development Management exceeds Government requirements for the majority of national and local indicators, however there are some areas which require further attention and are an indicator of higher workloads.

2.6 The Development Management team has experienced a period of staffing fluctuation over the past 12 months or so which has resulted in a backlog of work that despite efforts of staff has not been cleared. During the past two quarters, the team has been operating without a full staff complement for much of the time. Recruitment has undertaken place to fill the Principal Planning Officer post, but during this period the Group Manager for Development left the authority. This has been filled temporarily until recruitment to the permanent post can be completed. In addition a temporary Planning Officer joined the team for a 6 weeks period in order to assist caseload management and reduce pressure on officers.

### 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 being monitored and therefore this is the first quarterly performance report that reflects this agreed approach.

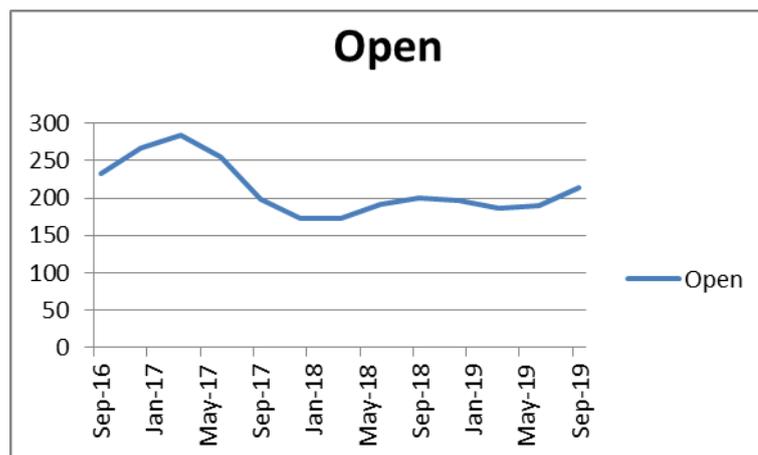
3.2 Activity within the enforcement part of the planning service by quarter for 18/19 and quarter two 19/20 is as follows:

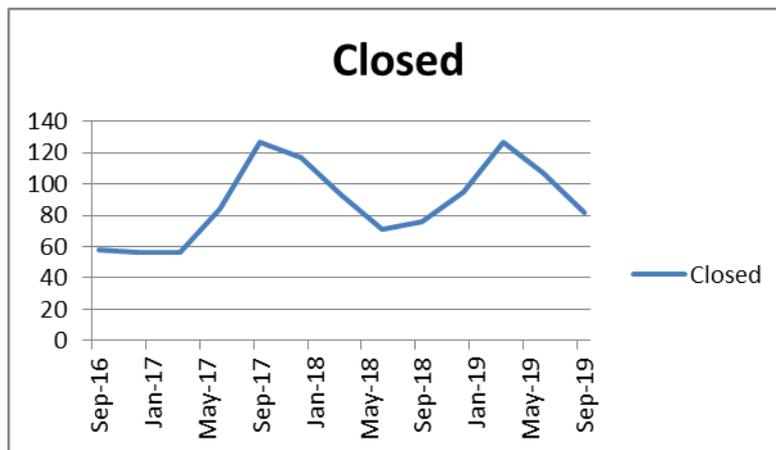
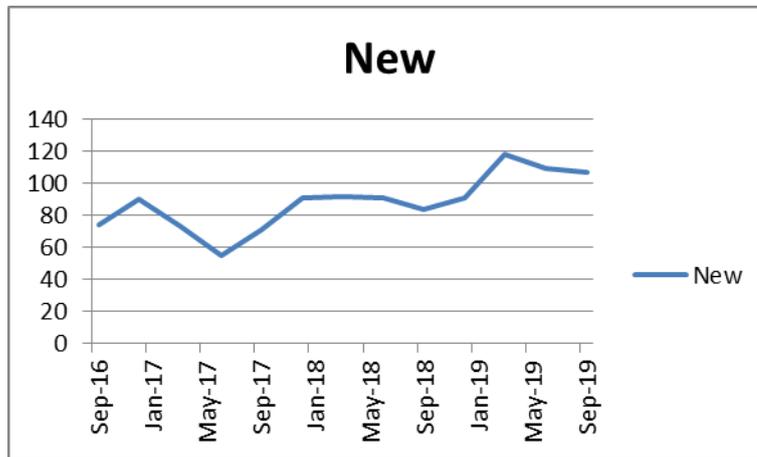
Q ref	Details	Target	18/19 Quarters 1, 2, 3, 4				19/20 Quarters 1,2	
PE01	Register and acknowledge all written complaints. Indicator – within 3 working days	100%	98%	92%	90%	99%	100%	100%
PE02	Highest priority complaint investigation. Indicator - 90% of first site visits before the end of the next working day following registration.	90%	100%	100%	None reported	100%	None reported	100% (1)
PE03	High priority complaint investigation. Indicator - First site visit within 3 working days of registration.	100%	100%	100%	100%	100%	100%	None reported
PE04	Medium priority complaint investigation. Indicator - First site visit within 10 working days of registration.	100%	94%	88%	100%	100%	75%	75%

PE05	Low priority complaint investigation. Indicator - First site visit within 15 working days of registration.	100%	97%	89%	76%	97%	96%	97%
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.	100%	92%	92%	91%	98%	89%	86%
PE07	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].	100%	92%	92%	98%	98%	89%	86%
PE08	New enforcement cases registered		93	104	111	118	131	107
PE09	Enforcement cases closed (in quarter)		71	77	96	133	104	82
PE10	Committee authorisations sought (delegation changed)		1	1	1	1	1	0
PE11	Total Notices Served		10	3	2	3	6	5
	<i>Planning contravention notices served (PCN)</i>		5	2	0	3	4	4
	<i>Breach of condition notices served</i>		0	1	0	0	0	0
	<i>Section 215 notice (untidy land)</i>		0	0	0	0	0	0
	<i>Section 330 notice (requisition for information)</i>		4	0	0	0	0	0
PE12	Total outstanding cases at end of quarter				194	179	184	215

3.3 1 highest priority complaint was received during this period. A total of 12 medium priority complaints were received of which 9 received an initial site visit within the 10 working day target. 69 out of the 71 low priority complaints received an initial site visit within 15 working days.

3.4 The following graphs show the number of enforcement cases opened, closed and new over a two year period.





An administration resource within the enforcement team now supports the two Enforcement Officers increasing the effectiveness of the service.

#### 4.0 BUILDING CONTROL.

4.1 The Building Control performance target over the assessment of full plans applications was met for this quarter. Plan checking within 3 weeks in this quarter was still under target, as it has been for several reporting periods. However the 10 day target (average time for first response) on plan checking was met. The Building Control Manager is currently focussed on increasing consistency of performance over plan checking times between team members.

4.2 It should be noted that Building Control performance is now primarily reported to the meetings of the Joint Committee which oversees the Building Control Partnership service that is being jointly operated with North Devon Council.

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#### List of Background Papers:

PS1 and PS2 returns  
 HM Treasury 'Fixing the foundations – creating a more prosperous nation' July 2015

Improving Planning Performance: Criteria for  
Designation, MHCLG November 2018

**Circulation of the Report:**

Cllr Graeme Barnell  
Members of Planning Committee