

**PLANNING COMMITTEE
12TH FEBRUARY 2020**

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

PLANNING PERFORMANCE AGAINST TARGETS QUARTER THREE 1STOCTOBER-31ST DECEMBER 2019

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 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 Qu3 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.

Planning Service Performance	Target	16/17	17/18	18/19	19/20	19/20	19/20
		Year	Year	Year	Q1	Q2	Q3
Major applications determined within 13 weeks	60%	90%	82%	77%	33%	75%	75%
Minor applications determined within 8 weeks	65%	80%	85%	73%	65%	85%	95%
Other applications determined within 8 weeks	80%	89%	90%	84%	75%	89%	98%
Householder applications determined in 8 weeks	85%	98%	95%	89%	86%	95%	98%
Listed Building Consents	80%	84%	84%	66%	64%	80%	97%
Enforcement site visits undertaken within 15 days of complaint receipt	87%	96%	92%	81%	68%	65%	100%
Delegated decisions	90%	94%	93%	94%	95%	96%	97%
No of applications over 13 weeks old without a decision	(Less than 45 apps)	29	44	75	82	74	82
Major applications determined within 13 weeks (over preceding 2 years)	More than 60%	82%	74%	85%	72%	71%	75%
Major applications overturned at appeal as % of all major decisions over preceding 2 years *	Less than 10%	7%	4%	3%	0%	4.84%	3.16%
Non-major applications determined within 8 weeks (over preceding 2 years)	More than 70%	77%	79%	60%	77%	78%	80%
Non-major applications overturned at appeal as % of all non-major decisions over preceding 2 years **	Less than 10%	<1%	<1%	0%	0%	0.47%	0.43%
Determine all applications within 26 weeks or with	100%	100%	99%	99%	96%	99%	100%

an extension of time (per annum –Government planning guarantee)							
Building Regulations Applications examined within 3 weeks	95%	88%	93%	94%	84%	90%	98%
Building Regulation Full Plan applications determined in 2 months	95%	91%	96%	96%	99%	96%	100%

* No of Major Applications received in the last 2 years = 95/ 3 Appeals Overturned

** No of other applications received in the last 2 years = 4403/ 19 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 **75%**.
- 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 **80%**.

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 **3.16%**.
- 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 **0.43%**.

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 three in Qu 19/20 indicate that the national planning performance indicators continue to be met and exceeded by the service in all areas and these indicators show improvement since quarter two 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.

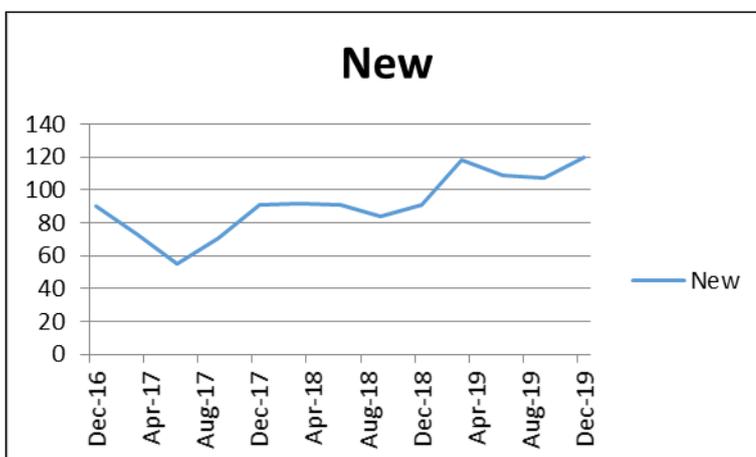
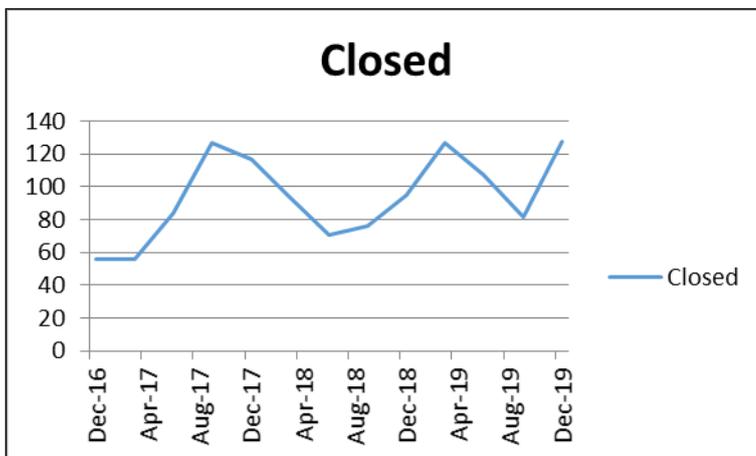
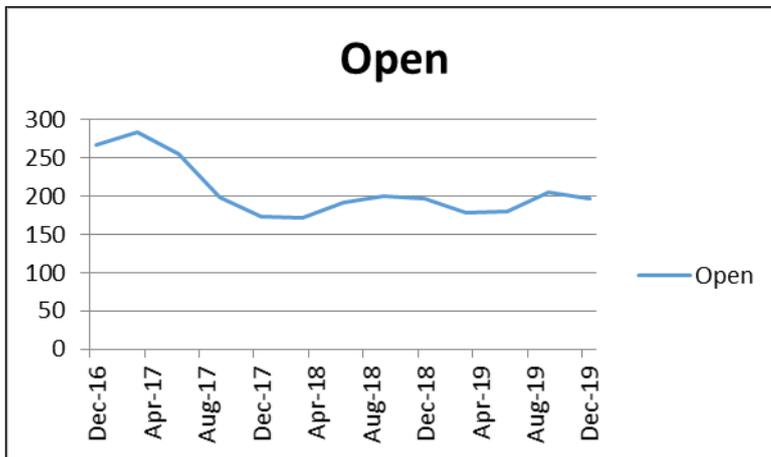
2.3 Listed building consent application determination time was recorded as below the 80% target over all four quarters in 18/19 and this is also the case of quarter 1 19/20 at 64%. In quarter 2 this improved to 80%. Quarter 3 shows further improvement to 97%.

- 2.5 In conclusion, performance in Development Management exceeds Government requirements for all national and local indicators, with further improvements in performance shown in Quarter 3.
- 2.6 The Development Management team has experienced a period of staffing fluctuation over the past 12 months or so which resulted in a backlog of work. With the efforts and commitment of staff and the addition of temporary resource, a significant reduction in this backlog has been realised and further efforts are being made to deliver improvements.
- 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.
- 3.2 Activity within the enforcement part of the planning service by quarter for 18/19 and quarters 1 – 3 for 19/20 is as follows:

Q ref	Details	Target	18/19				19/20			
			Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
PE01	Register and acknowledge all written complaints. Indicator – within 3 working days	100%	98%	92%	90%	99%	100%	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)	100%	
PE03	High priority complaint investigation. Indicator - First site visit within 3 working days of registration.	100%	100%	100%	100%	100%	100%	None reported	100%	
PE04	Medium priority complaint investigation. Indicator - First site visit within 10 working days of registration.	100%	94%	88%	100%	100%	75%	75%	100%	
PE05	Low priority complaint investigation. Indicator - First site visit within 15 working days of registration.	100%	97%	89%	76%	97%	96%	97%	100%	
PE06	Initial response to complainant setting out progress or informing about a decision in cases where there is no breach. Indicator – within 5	100%	92%	92%	91%	98%	89%	86%	100%	

	working days of the date of the initial site visit.									
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%	100%	
PE08	New enforcement cases registered (in quarter)		93	104	111	118	109	107	120	
PE09	Enforcement cases closed (in quarter)		71	77	96	133	107	82	128	
PE10	Committee authorisations sought (delegation now changed)		1	1	1	1	1	0	0	
PE11	Total Notices Served		10	3	2	3	6	5	2	
	<i>Planning contravention notices served (PCN)</i>		5	2	0	3	4	4	2	
	<i>Breach of condition notices served</i>		0	1	0	0	0	0	0	
	<i>Section 215 notice (untidy land)</i>		0	0	0	0	0	0	0	
	<i>Section 330 notice (requisition for information)</i>		4	0	0	0	0	0	0	
PE12	Total outstanding cases at end of quarter					179	180	205	197	

3.3 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 both the assessment of full plans applications and plan checking within 3 weeks were met. The Building Control Manager's efforts and focus on increasing consistency of performance over plan checking times between team members has delivered improvements during the latest quarter and now needs to be maintained.
- 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