

26TH MAY 2021

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

PLANNING AND BUILDING CONTROL PERFORMANCE

Reason for Report:

To provide the Committee with information updating on the performance of aspects of the planning function of the Council. Building Control performance information is also provided although this is primarily reported to the Building Control Partnership Joint Committee.

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.

Budget and Policy Framework: None directly.

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 because 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. However, it

should be noted that the application performance data reported does include a significant reliance upon agreeing extensions of time with the applicant. Whilst this is allowed within the performance reporting system requirements of the Government, it is an indication of a service carrying a high number of applications on hand and application assessment being overly protracted. It is proposed that during 2021 that effort is made to systematically reduce the reliance on extensions of 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 APPLICATION DETERMINATION PERFORMANCE

1.1 The Government uses speed and quality of decision indicators as the main means of assessing planning application performance. These indicators with performance requirements are set out for major and non-major applications as follows:

Speed:

- **Majors: More than 60% of major applications determined within 13 weeks (over 2 year period).** The Mid Devon figure over the last 2 year period was **73%**.

The most recent national dataset for the 24 month period to the end of December 2020 places the performance for Mid Devon in the 4th quartile nationally (England) over this period.

- **Non majors: More than 70% of non-major applications determined within 8 weeks (over 2 year period).** The Mid Devon figure over the last 2 year period was **91%**.

The most recent national dataset for the 24 month period to the end of December 2020 places the performance for Mid Devon in the 3rd quartile nationally (England) over this period.

Quality:

- **Majors: for applications determined over a 2 year period, no more than 10% of 'major' decisions to be overturned at appeal.** The Mid Devon figure over the last 2 year period was **5.77%**.

The national dataset for the 24 months to the end of March 2019 placed the performance of Mid Devon in the 4th quartile nationally (England) over this period.

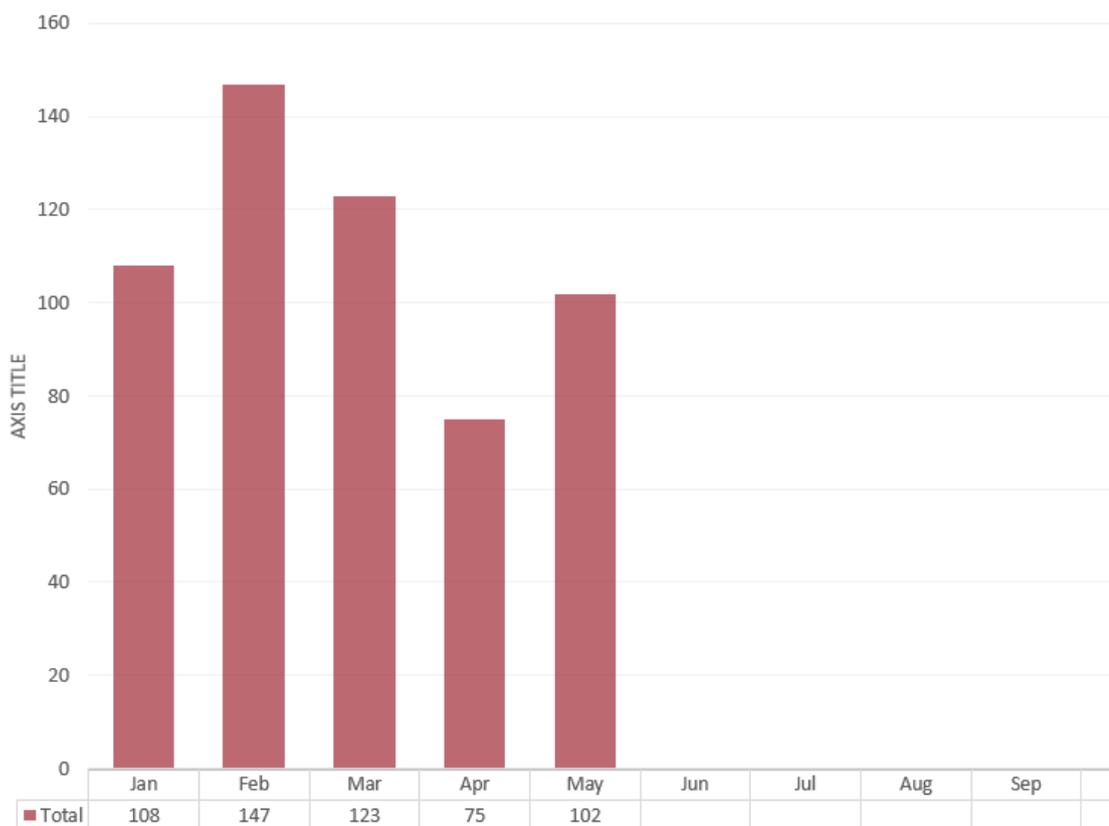
- **Non-majors: This indicator of quality of decision-making is measured over a 2 year assessment period: no more than 10% of**

‘non major’ decisions to be overturned at appeal. The Mid Devon figure over the last 2 year period was **4.55%**.

The national dataset for the 24 months to the end of March 2019 placed the performance of Mid Devon in the 1st or top quartile nationally (England) over this period; however, the percentage overturned has increased since then, with an expected reduction in performance.

- 1.2 Application determination performance data against national and local indicators over the last few years is attached at **Appendix 1**. The latest performance results for quarter 4 of 20/21 indicates that the national planning performance indicators for the speed and quality of planning application decision making have been met and exceeded by the service, but in some areas is not performing favourably when compared with that of others nationally. This is particularly the case with major applications due to a higher percentage being overturned at appeal than other Councils and less emphasis on agreeing extensions of time towards the beginning of the 2 year assessment period which is affecting the speed of decision making performance figure.
- 1.3 For all applications determined within 8 or 13 weeks, the performance figures include those where there has been an agreed extension of time. This is in accordance with the methodology for reporting planning application determination set out by the Government. However, there is significant reliance upon extensions of time in order to meet the Government’s national indicators for speed of decision-making. Whilst the negotiation of extensions of time is allowed within the Government’s methodology, it is masking applications taking a long to be determined, with several extensions of time and with protracted assessment and rounds of negotiation. It is intended that during 2021 progress will be made to significantly improve decision-making so that it is more decisive and to reduce reliance upon extensions of time.
- 1.4 The financial year 20/21 has been highly challenging, with significant changes required to rapidly move to predominantly working from home and electronic means rather than paper plans. The service has been sustained although site visits were temporarily suspended and alternative methods utilised including maps, videos, photographs and the internet. The holding of Planning Committee meetings has also been affected during this period with transfer to virtual meetings and most recently the change to hybrid meetings. This has required careful scheduling of applications on agendas to seek to ensure that their length is manageable. A large number of applications now require scheduling for Planning Committee consideration.
- 1.5 This period has also seen the vacancy of an Area Team Leader post. This has been successfully recruited with the new post holder having joined the Council at the beginning of January 2021. New applications dropped off in the first half of 2020, but have since seen some recovery and higher levels of application receipt in the first few months of this calendar year. The table below shows applications received and valid by month in 2021. Members should note that the May figures show the position at time of 16th May and is therefore not the month end position.

Applications Received & Valid 2021



1.6 At time of writing this report there are also several staff vacancies of direct relevance to performance and the increasing number of cases on hand:

- Development Management Manager (interim manager due to start 1st June while the permanent post is recruited)
- Area Team Leader part time
- Planning Officer
- Validation Technician
- Planning Support
- Tree Officer

At time of writing this report, there are some 404 live applications on hand, with new applications received exceeding those issued on a week by week basis. Several officers now have a live caseload of 60-70 applications which is unsustainably high. The service is not currently accepting new pre-application advice requests in order to focus on applications.

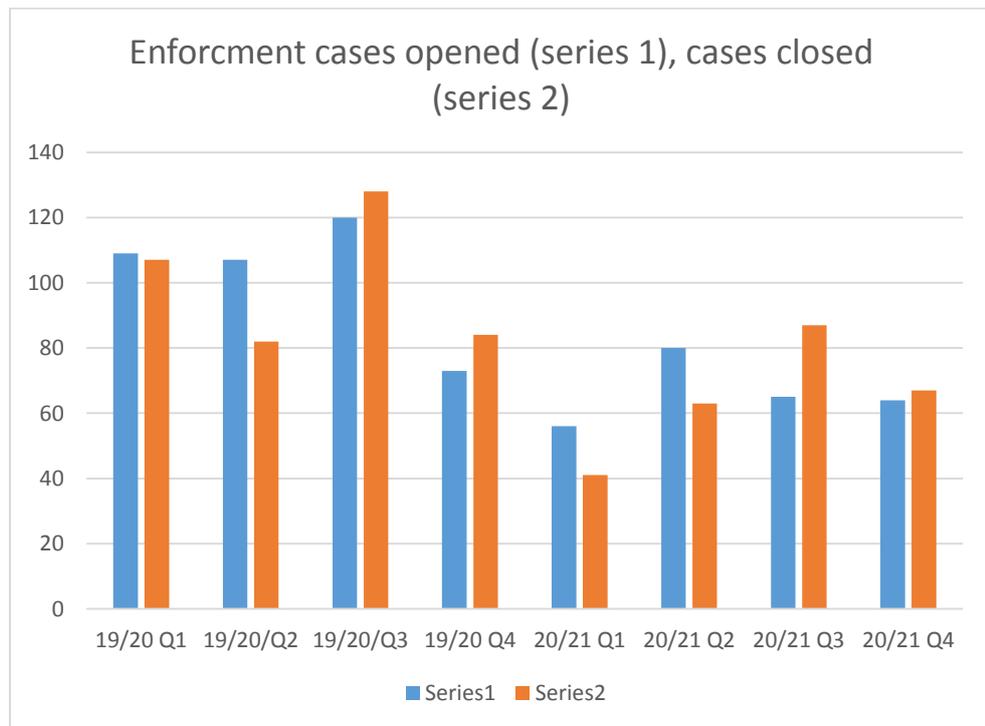
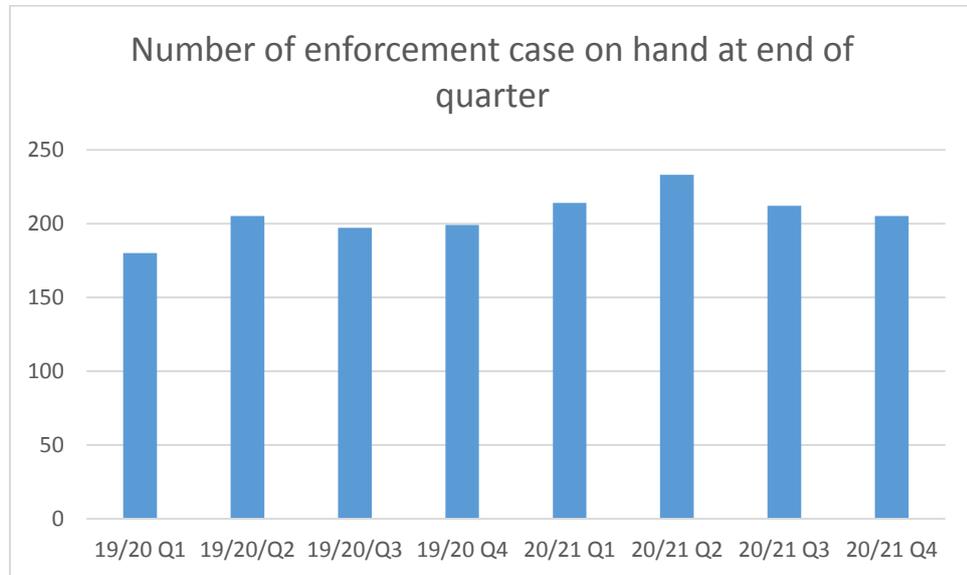
1.7 Service managers are currently focussed on recruitment including temporary caseworkers in order to address the backlog, catch up and allow for implementation of a programme of service improvement.

2.0 Planning enforcement

2.1 The Local Enforcement Plan was agreed by Council on 21st February 2018. It sets out prioritisation criteria for compliant investigation together with performance standards. Scrutiny Committee considered a report on the

enforcement of planning control at the meeting on 14th September 2020 where it was resolved to set up a working group to consider this area in more detail. The working group is currently holding a programme of meetings prior to formulating a report to Scrutiny Committee.

2.2 Activity within the enforcement part of the planning service by quarter is at **Appendix 1**. The following graphs show enforcement cases:



2.3 One of the Enforcement Officer posts was vacant for part of the quarter 4 period. Following successful recruitment, a new Enforcement Officer started in early May. In addition, efforts are underway to recruit an additional enforcement officer resource on a temporary basis to assist in consideration of outstanding cases, with particular emphasis on undertaking site visits which have backed up during the period of national restrictions in connection with COVID-19.

3.0 BUILDING CONTROL.

3.1 Mid Devon’s Building Control service operates in partnership with North Devon Council as NMD Building Control. The partnership service has been operational since April 2017 and under normal conditions is delivered from offices in South Molton. A Joint Committee oversees the delivery of the functions of the partnership service. 2020 has seen a continued consolidation realising the benefits of the partnership.

3.2 The Building Control service has exceeded the performance target relating to the assessment of full plans applications. Response times for plan checking have improved throughout each of the year and are now consistently above target.

Key performance indicator	Year	2018/19				2019/20			
	Target	Q1	Q2	Q 3	Q4	Q1	Q2	Q3	Q4
Building Regulation Full Plan applications determined in 2 months	95%	99%	96%	100%	100%	98%	99%	99%	97%
Building Regulation Applications examined within 3 weeks	95%	84%	90%	98%	99%	99%	100%	99%	98%

3.3 The graph below indicates the number of applications received per month. Application numbers have recovered strongly from the substantial drop in the first quarter of this financial year, culminating in the highest number of applications in October in the last five years. Activity remains high.

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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 2020
 Live performance tables P151, P152, P153, P154

Circulation of the Report: Cllr Richard Chesterton
 Members of Planning Committee