

8<sup>TH</sup> SEPTEMBER 2021

**REPORT OF MYLES JOYCE, INTERIM DEVELOPMENT MANAGEMENT  
MANAGER, 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%** but **91%** for Q1 of 2021-22.

The most recent national dataset for the 24 month period to the end of December 2020 places the performance for Mid Devon in the 4<sup>th</sup> 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%** and **91%** for Q1 of 2021-22.

### 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%** but **7.1%** for Q1 of 2021-22.

The national dataset for the 24 months to the end of March 2019 placed the performance of Mid Devon in the 4<sup>th</sup> 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%** but **0.43%** for Q1 of 2021-22.

The national dataset for the 24 months to the end of March 2019 placed the performance of Mid Devon in the 1<sup>st</sup> 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 1 of 21/22 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 and has improved since last year and in comparison with preceding years. However, 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 time 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 start of the financial year 2021/22 has continued on from 2020/21 remaining 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 required scheduling for Planning Committee consideration. Although this has more recently become more manageable with special additional Committee meetings, one per month in June-September inclusive. During the later part of the first quarter of 2021-22 real site visits were also recommenced albeit in line with Covid-19 guidelines. This has been especially important for planning enforcement matters.
- 1.5 This period has also seen high staff turnover and the appointment of an interim Development Management Manager and other interim staff. At time of writing this report there has been an ongoing issue with staff vacancies affecting performance, especially outputs and has slowed the effort of reducing the backlog of planning applications (set as cases received at or before 8<sup>th</sup> April

2021. This is currently now below 70 from 234 when the backlog was targeted in late May. The backlog will not be removed as the remaining matters are awaiting sign off of related legal agreements and/or decisions to be made at Planning Committee. Nevertheless, it is anticipated that the planning applications backlog will be managed by the end of Q2 of 2021-22.

1.6 At the time of writing the staff situation is as set out below:

- Development Management Manager –take up permanent post 1<sup>st</sup> September 2021
- Area Team Leader- Principal Planning Acting position since this month
- Two Principal Planning Officers – agency planner cover
- Planning Officer –agency planning cover
- Tree Officer- take up post 27<sup>th</sup> September
- Administration and Performance Manager returned from long term sick leave 16<sup>th</sup> August

1.7 At time of writing this report, there are some 318 live applications on hand, which is encouraging as it is a clear downward trends leading to an overall more manageable caseload. Only one officer has a caseload of over 50 which is a significant improvement on the situation at the start of 2021-22 when several had caseloads 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.

## 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 14<sup>th</sup> 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 The appendix shows a fall-off in the proportion of initial actions within 15 days. This is a result of suppressed site visit activity due to Covid-19 an officer being off long term sick and Activity within the enforcement part of the planning service by quarter is at **Appendix 1**. The following graphs show enforcement cases:

Planning Service Performance	Target	17/18	18/19	19/20	20/21	21/22
Enforcement site visits undertaken within 15 days of complaint receipt	87%	92%	81%	95%	89%	63%

2.3 The table overleaf shows the reduction in site visits with the number of enforcement cases received remaining constant. This shows the live caseload as increasing appendix shows a fall-off in the proportion of initial actions within 15 days. This is a result of suppressed site visit activity due

to Covid-19 an officer being off long term sick and Activity within the enforcement part of the planning service by quarter is at **Appendix 1**. The following graphs show enforcement cases

Details	2019/2020				2020/2021				2021/2022			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Total Initial Site Visits carried out in the Quarter	113	97	94	83	25	73	90	44	34			
New enforcement cases registered (in quarter)	109	107	120	73	56	80	65	64	68			
Enforcement Cases closed (In quarter)	107	82	128	84	41	63	87	67	47			
Committee authorisations sought	1	0	0	0	0	0	0	0	0			
Total Outstanding cases at end of Quarter	180	205	197	199	214	233	212	205	216			
Enforcement Notices Served				Enforcement Notices Served				Enforcement Notices Served				
Planning contravention notices served (PCN)	4	4	2	1	1	1	1	0	1			
Breach of condition notices served	0	0	0	0	0	0	1	0	0			
Section 215 (untidy land)	0	0	0	0	0	1	0	0	0			
NOT330	0	0	0	0	0	0	0	0	0			
REPNOT	0	0	0	0	0	0	0	0	0			
ENFCOU	1	0	0	0	0	0	0	1	0			
ENFDEV	1	0	0	0	0	0	0	2	0			
TEMSTO		0	0	0	0	0	1	0	0			
<b>Total Notices Served</b>	<b>6</b>	<b>5</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>

2.3 The table above shows the fall in site visits undertaken whilst the cases received remains similar in number to previous quarters. A reduction in cases closed as therefore led to an increase in live enforcement cases but only to levels typically seen at most times in the last couple of years.

2.4 The vacant enforcement officer post is to be re-advertised and in the meantime two enforcement officers have been recruited on an agency basis to deal with the existing backlog and cases going forward. Consequently, it is hoped that the statistical returns revert back to the returns on previous years/quarters shown above.

### 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.

Planning Service Performance	Target	17/18	18/19	19/20	20/21	21/22
Building Regulations Applications examined within 3 weeks	<b>95%</b>	93%	94%	84%	99%	90%
Building Regulation Full Plan applications determined in 2 months	<b>95%</b>	96%	96%	99%	98%	100%

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

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