

## PLANNING COMMITTEE

3 NOVEMBER 2021

### REPORT OF ANGHARAD WILLIAMS, INTERIM DEVELOPMENT MANAGEMENT MANAGER.

#### 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.

**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).** Q1 saw figures of **91%** with figures of Q2 down to **83%** of 2021-22. The figures demonstrate a slight decrease in speed between Q1 and Q2; however this is arguably a result of the issues surrounding staff resource and the negotiations that require significant attention when considering major applications.
- **Non majors: More than 70% of non-major applications determined within 8 weeks (over 2 year period).** Q1 saw figures of **91%** with Q2 now reaching **98%** of 2021-22. The increase demonstrates that almost 100% of non major applications are being considered and decided within the required timescale.

### Quality:

- **Majors: for applications determined over a 2 year period, no more than 10% of 'major' decisions to be overturned at appeal.** Q1 reported a figure of **7.1%** with the figure of Q2 being **5.45%** of 2021-22. We are therefore still under the 10% and have decreased since Q1 which is a further positive.
- **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.** Q1 reported **0.43%** but at Q2 we have a report of and **0%**. This is a positive reduction.

- 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 2 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. Whilst there is a small decline since the Q1 figures, the performance is still well above the target required. The small decline can be the result of on-going negotiations required in particular with major planning applications and the interest that they generate.
- 1.3 With regard to applications determined within 8 or 13 weeks, members will recall from the previous Q1 report that the performance figures include those where there has been an agreed extension of time. It has been an ambition of the team to reduce the reliance on extensions of time, despite this being a procedure allowable by Government for reporting planning application determinations. The team have successfully cleared a significant backlog of applications and are now in position to receive new applications and start progressing them in a timely manner; however due to issues with staff recruitment, the team is still experiencing a shortfall of team members which despite efforts to recruit, we have not yet received any suitable applications for these positions. Evidently this has a bearing on officer capacity to deal with applications within the required period of time without the reliance of extensions of time. Nevertheless, as a team, we are managing this to the best of our ability and ensuring that we continue to manage officer workload and seek to get a decision made within the required timescale.
- 1.4 Reflecting on Q2, and the continuing challenges that arise with the pandemic, it is a positive news story that the team have continued to get decisions made well within the targets set by Government, and the figures have remained stable despite the challenges the team have faced and continue to face. The service continues to deliver despite the need to still do things slightly differently as a result of the pandemic, and only recently, it is good to see that we have officer presence back within the Council building. Since Q1, we have seen the physical return of our members within the Committee, as well as officers now attending accordingly.
- 1.5 The backlog of applications experienced throughout Q1 has largely been successfully cleared, and this has involved the careful organising of additional planning committees to ensure that each committee has an appropriate number of applications to determine without it taking a considerable length of time. Accordingly, this will have also had an impact on the figures where decisions will have been delayed as a result of having to go to a future planning committee for determination. This has however been successfully managed, with the Q2 figures above reflecting this outcome.
- 1.6 As noted above, it is important to note that the department has for a period within Q2, continued to see a high staff turnover. However, since my appointment as interim Development Management Manager, it is my priority to stabilise the team as well as I can, and ensure their health and wellbeing is a priority and as such, the service sustained. We are continuing to seek other means of recruiting staff, which also includes the most recent agreement to

work closely with an external planning consultancy. This means that the team will benefit from the work of planning professionals on a broader basis than that of recruiting an additional agency member of staff; thereby enabling more capacity within the team to deal with the continuing influx of applications.

- 1.7 The number of applications in hand during Q2 stood at 290, and there has since been a further decrease to 279 at the time of writing. This is a significant decrease which demonstrates how hard the team have been working to reduce the numbers and get application decisions out on time. This is certainly a positive direction to be moving in despite the challenges the team have and are still facing. It should be noted that the pre-application service has now re-opened.
- 1.8 At the time of writing the following vacancies are still present within the department:
- 2 x Principal Planning Officers – we will also see the loss of a further Principal Planning Officer in December when Daniel Rance will be retiring.
  - 1 x Planning Officer Post.
  - 1 x Enforcement Officer Post.

## 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 following table shows stats for 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	28		
New enforcement cases registered (in quarter)	109	107	120	73	56	80	65	64	68	65		
Enforcement Cases closed (in quarter)	107	82	128	84	41	63	87	67	47	42		
Committee authorisations sought	1	0	0	0	0	0	0	0	0	0		
Total Outstanding cases at end of Quarter	180	205	197	199	214	233	212	205	216	261		
<b>Enforcement Notices Served</b>				<b>Enforcement Notices Served</b>				<b>Enforcement Notices Served</b>				
Planning contravention notices served (PCNV)	4	4	2	1	1	1	1	0	1	8		
Breach of condition notice	0	0	0	0	0	0	1	0	0	0		
Breach of Condition Notice Section 187A	0	0	0	0	0	0	0	0	0	2		
Section 215 (untidy land)	0	0	0	0	0	1	0	0	0	0		
NOT330	0	0	0	0	0	0	0	0	0	0		
REPNOT	0	0	0	0	0	0	0	0	0	0		
ENFCOU	1	0	0	0	0	0	0	1	0	0		
ENFDEV	1	0	0	0	0	0	0	2	0	0		
TEMSTO		0	0	0	0	0	1	0	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 Whilst the table above shows a fall in site visits undertaken even when compared with that of Q1, it is important to note that this may not be reflective of the situation. As members will know, the enforcement team has seen a high turnover of staff with a number of agency staff being recruited to assist in dealing with the number of cases. Unfortunately, this high turnover of staff

means that each new member of staff must be trained up on the systems that we use to ensure that site visits and notes can be documented and the reports which produce the stats generated. The issue with new staff starting and then leaving is that whilst the work is being undertaken, they may fail to import the data correctly, which in turn effects our statistics. As such, members should be aware that a significant number of site visits have been carried out by the current team, and progression being made on a number of cases.

- 2.4 The vacant enforcement officer post is to be re-advertised again following failure to recruit first time around. In the meantime, we have another two enforcement officers recruited on an agency basis to deal with the existing backlog and cases going forward with both of these working part time. As such, our permennant enforcement officer continues to work hard in regard to maintaining the enforcement inbox, and her own caseload, whilst the agency members of staff are picking up urgent cases to ensure these are dealt with in a timely manner.

### 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 and applications examined within 3 weeks are not only above target, but have also exceeded the figures reported in Q1.

KPI	Year	2020/21				2021/22	
	Target	Q1	Q2	Q3	Q4	Q1	Q2
Building Regulation Full Plan applications determined in 2 months	95%	98%	99%	99%	97%	100%	97%
Building Regulation Applications examined within 3 weeks	95%	99%	100%	99%	98%	90%	98%
Average time to first response (Days)	10	5	7	7	7	8.5	7.5

**Contact for Information:** Angharad Williams Interim DM Manager, Planning, Economy and Regeneration  
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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