

20 APRIL 2022

**REPORT OF ANGHARAD WILLIAMS, 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 or special measures will be applied.

**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. In Q3 we saw this figure rise again to **92%**. This is a brilliant increase and shows that the team have worked hard to get the figures back up.
- **Non majors: More than 70% of non-major applications determined within 8 weeks (over 2 year period).** Q1 saw figures of **91%** with Q2 reaching **98%** of 2021-22. In Q3 this figure has stayed with the 90's being at **95%**. This is a steady figure for us, and shows the team are continuing to churn applications out on time.

### 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. In Q3, this figure has stayed low, being at **4.84%**. We are therefore still under the 10% but this is definitely one to monitor and keep on top of.
- **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 had a report of **0%**. In Q3 we have a figure of **0.64%** which is a slight increase upon Q2. Again, one for us to monitor.

- 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 3 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. The team are doing well and we are continuing to meet the relevant targets in regards to determination.
- 1.3 With regard to applications determined within 8 or 13 weeks, members will recall from my Q2 report that it had, and still remains to be, 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. Due to staff shortages, and the volume of casework, it has been difficult for the team to stop EOT's altogether, but we are still trying to minimise reliance upon them, Unfortunately, there are still a small number of applications in the system from the 'backlog' which still require negotiation. Once these applications are clear, and a full team of staff on board, I am hopeful that the reliance on EOT's will continue to decrease.
- 1.4 Reflecting on Q3, I consider that once again, we have a positive news story to report and be proud of. Evidently, the pandemic is far from over, despite the drop in restrictions; however, it will be some time before the implications of the pandemic are overcome and our team will continue to arise to the challenge. With adverts currently out for a Planning Officer and Principal Planning Officer, it is also hoped that we will soon have the benefit of more permanent staff members, which will of course assist in the meeting of targets. When looking at our performance against other Local Planning Authorities in the South West, Mid Devon is always near the top, and I remain proud of our team for sustainably holding that position.
- 1.5 Since my appointment as Development Management Manager, I continue to prioritise staff health and wellbeing, and ensure that the team not only deliver, but communicate well with each other and members of the public. The team I feel is stabilising and this will only improve if we are successful in recruiting more permanent members of staff.
- 1.6 To ensure that caseloads remain sustainable for the team, we continue to employ Avalon Planning, who assist us with the simpler applications, ensuring that these applications are dealt with swiftly, and continue to be processed in a timely manner. Application numbers are still high, and we continue to also see a rise in major applications. Whilst this is a positive in terms of fee income for the department, it is also ensuring that we have the right capacity in house to ensure a successful service.
- 1.7 The number of applications in hand during Q2 stood at 290. In Q3, we see that number slightly decreased, with currently 265 in hand. Planning application numbers are therefore still coming down which is good, and demonstrates the team, despite short staffing, are still managing application numbers sustainably.
- 1.8 At the time of writing the following vacancies are still present within the department:

- 3 x Principal Planning Officers
- 1 x Planning Officer Post.

## 2.0 Planning enforcement

2.1 Due to staff shortages, and the Covid Pandemic, Enforcement has been challenging. Nevertheless, following a number of recommendations being made by Scrutiny, the team continue to work hard to improve performance and meet targets. The Scrutiny report made 12 recommendations, upon which a number are still under consideration. A copy of the report is appended at Appendix 2.

2.2 The following table shows stats for enforcement cases:

Details	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Total Initial Site Vists carried out in the Quarter	113	97	94	83	25	73	90	44	34	28	13	
New enforcement cases registered (in quarter)	109	107	120	73	56	80	65	71	71	74	42	
Enforcement Cases closed (in quarter)	107	82	128	84	41	63	87	67	47	42	50	
Committee authorisations sought	1	0	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	262	
<b>Enforcement Notices Served</b>				<b>Enforcement Notices Served</b>				<b>Enforcement Notices Served</b>				
Planning contravention notices served (PCN)	4	4	2	1	1	1	1	0	1	8	11	
Breach of condition notice	0	0	0	0	0	0	1	0	0	0	0	
Breach of Condition Notice Section 187A	0	0	0	0	0	0	0	0	0	2	3	
Section 215 (untidy land)	0	0	0	0	0	1	0	0	0	0	0	
NOT330	0	0	0	0	0	0	0	0	0	0	0	
REPNOT	0	0	0	0	0	0	0	0	0	0	0	
ENFCOU	1	0	0	0	0	0	0	1	0	0	0	
ENFDEV	1	0	0	0	0	0	0	2	0	0	3	
TEMSTO		0	0	0	0	0	1	0	0	0	0	
<b>Total Notices Served</b>	<b>6</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>10</b>	<b>17</b>	<b>0</b>

2.3 Whilst the table above shows a further fall in site visits undertaken even when compared with that of Q1, Q2, 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 and continue to be undertaken, and as the figures for enforcement notices show, progression is being made on a number of cases.

2.4 Ruthie Pollington has now joined the Enforcement Team as a full time enforcement officer. Whilst Ruthie is in training, she is working hard to understand the legislation and is working aside our agency member of staff, Carol Rogerson. Unfortunately, in recent times, the team has seen a member of staff on long term sick, but we hope to see a return to that member of staff shortly.

## 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 Mike Tucker has headed Building Control for several years, and is now sadly retiring and leaving Mid Devon. His colleague, Robert Shaw, is currently covering until a new head of Building Control is recruited.

3.3 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 and Q2.

KPI	Year Target	2020/21				2021/22		
		Q1	Q2	Q3	Q4	Q1	Q2	Q3
Building Regulation Full Plan applications determined in 2 months	95%	98%	99%	99%	97%	100%	97%	98%
Building Regulation Applications examined within 3 weeks	95%	99%	100%	99%	98%	90%	98%	99%
Average time to first response (Days)	10	5	7	7	7	8.5	7.5	8

**Contact for Information:** Angharad Williams DM Manager  
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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