

PLANNING COMMITTEE

24 AUGUST 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:

Major Applications Determined within 13 Weeks			
Q1	Q2	Q3	Q4
91%	83%	92%	71%

It is noted that in Q4 we did see quite a drop in speed when compared to earlier quarters. This may be down to the matter that major applications in some circumstances require further attention following a committee, or due to staff shortages.

Non-Major Applications Determined within 8 Weeks			
Q1	Q2	Q3	Q4
91%	98%	95%	96%

With regards to non major applications, the team has been consistent throughout the year, remaining in the 90's. This is excellent performance given the difficulties the team have faced with regards to resource.

Quality:

No More that 10% of Major Applications Overturned at Appeal			
Q1	Q2	Q3	Q4
7.14%	5.45%	4.84%	4.69%

It is good to see the numbers in Q4 remaining below 5%. This needs to continue to ensure that the team remain in control of applications and remains below the 10%.

No More that 10% of Non- Major Applications Overturned at Appeal			
Q1	Q2	Q3	Q4
0.43%	0.00%	0.64%	0.64%

As noted from the table, again this figure has remained steady over the past two quarters. This is a good outcome and a positive achievement. As with the above table, these figures need to remain low.

- 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 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. The drop in major applications is not a huge concern at this stage, but is something that we do not want to see drop any further.
- 1.3 Reflecting on Q4, I consider it is fair to say that the team continue to do well when considering all external factors. All Local Planning Authorities within the South West and possibly that of the UK are still facing staff shortages, and yet despite our own team's position on this, the team is still meeting the targets and excelling in them. This is such a positive achievement and certainly one I am proud of given the circumstances. Our officers have faced hard times but they remain strong and are providing an exceptional service.
- 1.4 To ensure that caseloads remain sustainable for the team, we continue to employ Agency staff, which has been necessary given that recruitment for permanent members of staff have been unsuccessful. We have however managed to successfully recruit a permanent planning officer, who will join us in September and we currently have a number of applications in for the planning assistant vacancy.
- 1.5 The number of applications in hand currently is 326. This includes prior notifications, and tree preservation orders. Evidently this number has increased since the last report, and since Q3 was reported. However the team are doing

all they can to keep on top of the applications and are working hard to get decisions out on time.

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.

2.2 The following table shows stats for enforcement cases over the past few months:

Notice Type	Count
Breach of Condition Section 171	1
Breach of Condition Section 171	4
End Notice List Building	1
End Notice Material Change of Use	6
Enforcement Notice Operational Development	5
Planning Contravention Notice	22
Repairs Notice Section 48	1
Temporary Stop Notice	1
Total	41

There are some notices pending that cannot be shown on the table until served

Cases outstanding include 334 of which 174 are pre 2022, these are being worked on. Many may not be high priority and can be cleared.

2.3 Dean Emery will be working with officers and Councillors to refresh the Local Enforcement Plan. This will involve a review of performance numbers.

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.

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, Q2, and Q3.

KPI	Year	2020/21				2021/22			
	Target	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Building Regulation Full Plan applications determined in 2 months	95%	98%	99%	99%	97%	100%	98%	98%	100%
Building Regulation Applications examined within 3 weeks	95%	99%	100%	99%	98%	90%	98%	99%	96%
Average time to first response (Days)	10	5	7	7	7	8.5	7.5	8	7
Market Share - Number of applications %	75%	81%	82%	77%	81%	77%	80%	84%	79%
Market Share - New Housing Completions %	40%	32%	38%	42%	51%	47%	39%	42%	35%
Financial Position	Breakeven	9,506	20,499	55,094	92,546	51,929	81,775	102,703	144,531
Number of applications received	N/A	237	356	329	381	379	322	295	362

Contact for Information:

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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