

REPORT OF JENNY CLIFFORD, THE HEAD OF PLANNING AND REGENERATION

PLANNING PERFORMANCE 2015/16

RECOMMENDATION:

For information and discussion.

REASON FOR REPORT:

To provide the Committee with information on the performance of Planning Services for the quarter 4 and the full 2015-16 financial year

MATTERS FOR CONSIDERATION:

Performance against targets, Government proposals to implement further changes to the planning system and resources within the Planning Service.

RELATIONSHIP TO CORPORATE PLAN:

The Planning Service is central to achieving priorities in the Corporate Plan.

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. In that instance 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.

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 the number of major applications determined within 13 weeks as measured over a 2 year period. The new target of more than 50% has been met. The quality measure is the percentage of major applications determined over a two year period that have been overturned at appeal. The less than 20% target has been met (10%). However the Government proposes to tighten performance requirements.

RISK ASSESSMENT: Financial risk as a result 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. However this risk is increasing with the Government having identified through the Autumn Statement and subsequent technical consultation on planning changes the intention to tighten existing measures and introduce new ones.

1.0 PLANNING PERFORMANCE

Set out below are the Planning Service performance figures for quarter 4 from 1st January – 31st March 2016 together with the performance figures for the whole of the 15/16 financial year.

Performance data is published quarterly on the Council's website at <https://new.middevon.gov.uk/planning/performance-standards/>

Performance by year and quarter is set out below and expressed as a percentage unless marked otherwise and reports against a mix of Government and local performance targets.

Planning Service Performance	Target	2014/15	2015/16				2015/16
			Q1	Q2	Q3	Q4	
Major applications determined within 13 weeks	60%	64	*57	*50	*75	*33	47%
Minor applications determined within 8 weeks	65%	67	68	73	74	64	68%
Other applications determined within 8 weeks	80%	78	91	85	75	89	86%
Householder applications determined in 8 weeks	85%	90	92	97	95	88	93%
Listed Building Consents	80%	70	70	67	85	70	71%
Enforcement site visits undertaken within 15 days of complaint receipt	87%	94	100	94	89	91	89%
Delegated decisions	90%	95	94	93	94	94	94%
No of applications over 13 weeks old without a decision	Less than 45 applications	36	25	26	36	40	40
Major applications determined within 13 weeks (over last 2 years)	More than 50%	50	51	58	56	53	53%
Major applications overturned at appeal as % of all major decisions in last 2 years	Less than 20%	14%					10%
Determine all applications within 26 weeks or with an extension of time (per annum –Government planning guarantee)	100%	95	97	96	94	99	99%
Building Regulations Applications examined within 3 weeks	95%	74	70	70	76	67	72%
Building Regulation Full Plan applications determined in 2 months	95%	98	99	98	97	87	97%

*Important note on major application statistic reporting: The 53% statistic for major applications determined within 13 weeks reported above includes all major applications and does not take into account any extensions of time agreed with the applicant or planning performance agreements (PPAs) that have been entered into. Government instructions to Councils over this performance target remove reporting applications with extensions of time or PPAs from this target as they are reported separately. Once these have been removed 87% of major applications were determined within 13 weeks compared with the target 60%. This performance target has therefore been met.

Application processing- Development Management.

The Government sets a range of additional performance targets for planning authorities in order to drive performance. Those for major planning application decision making are

currently used by the Government as indicators of performance in terms of both speed and quality of decision making as follows:

Speed: More than 50% of major applications determined within 13 weeks. MDDC 15/16 85% excluding those with extensions of time (see note * above).

Quality: Of major applications determined over a 2 year period, no more than 20% of decisions to be overturned at appeal. MDDC currently 10%.

Authorities not meeting these targets risk being designated as underperforming, resulting in the application of special measures. Some of these are set out in more detail in the accompanying report on appeal performance for 45/16.

The Autumn Statement and 'Technical consultation on implementation of planning changes' issued by the Department for Communities and Local Government in February 2016 indicate that it is the intention of the Government to tighten these performance measures and add to them. Through the Housing and Planning Bill this performance approach is to be extended for applications for non-major development. The Government is consulting on tightening the quality of decision making target to no more than 10% of major applications determined over a 2 year period to be overturned at appeal.

New non-major application performance targets currently being consulted upon are more than 60-70% of such applications to be determined within the required time including any agreed extension of time. Furthermore that as a quality of decision indicator there be no more than 10 – 20% of decisions on non-major applications overturned at appeal.

During 15/16 the Planning Service determined 1008 planning applications including 26 majors, 127 prior notifications, 85 certificates of lawful use and 49 notifications. Work in addition to this included pre-application advice requests as well as general advice and queries.

Planning enforcement.

Activity within the enforcement part of the Planning Service by quarter is as follows:

Enforcement 2015/16	Qu 1	Qu 2	Qu 3	Qu 4
New enforcement cases registered	14	71	54	To follow
Enforcement cases closed	47	53	39	To follow
Committee authorisations sought	3	2	1	2
Planning contravention notices served	Data available from Qu 2	9	5	10
Breach of condition notices served	0	1	0	0
Enforcement notices served	2	1	0	3

Statistics for the number of enforcement cases closed are an indication of there either not being a breach of control, or that the breach was resolved without formal action. Resolution of breaches may take significant work that is by its nature not clearly reflected in statistics. A report will shortly come before Scrutiny Committee with the results of benchmarking performance in enforcement against other authorities in the area. This benchmarking is currently underway. In addition, the establishment of more meaningful and measurable performance indicators for the planning enforcement is being progressed.

Staffing in enforcement was below the 2.5 FTE posts towards the beginning of the 2015/16 financial year. One Enforcement Officer post will be vacant at the time of the consideration of this report. Recruitment is underway and a temporary resource is proposed to assist the team during this period.

Building Control.

Building Control performance in plan checking has not met the local performance target over the last financial year. The Building Control team has seen significant changes over 2015/16 with the legacy following the redundancy of the previous Building Control Manager at the end of 2014. This previous Manger acted as an Inspector over part of the District and managed a caseload of applications. With the reduction in the size of the team the time taken for certain activities has increased. Staff levels have been low for part of this period following the departure of 2 Building Control Officers. The service has been restructured to replace them with Building Surveyors and appointments have been made to these posts. The new post holders are due to start work within approximately one month. Arrangements have been put in place to manage and cover plan checking during this period of reduced staffing. A review of the Building Control service including workloads and level of staffing has also been undertaken within 15/16 and there is now a Building Control Manager in place on a shared basis with North Devon Council. Authority has been given by Cabinet to develop a framework for future delivery of the service in partnership with North Devon Council.

Planning policy – Forward Planning.

Planning policy production targets reported in 2015 are as follows together with the updated position:

Document	2015 position	Current position
Local Plan Review	Pre-submission consultation in progress until 27th April 2015	In progress (see below for more detail)
CIL Draft charging schedule	Pre-submission consultation in progress until 27th April 2015	Draft charging schedule prepared. Consultation responses assessed. Awaits Local Plan Review due to proposed joint examination.
Annual Monitoring Report	2014 AMR presented to Cabinet February 2015	2015 AMR agreed under delegated powers
Cullompton Article 4 Review	Consultation completed December 2014, target to Cabinet 4th June 2015	Completed
Conservation Area Appraisals and Management Plans: Thorverton Morchard Bishop Newton St Cyres Cheriton Fitzpaine Silverton	In preparation Consultation completed mid March	Completed
Solar & Wind Landscape Sensitivity SPD	In preparation	Solar landscape sensitively to Cabinet June 2015
Self Build guidance / SPD	In preparation	Self build register requirements met
Open Space SPD	In preparation	No longer required.

The latest version of the Local Development Scheme (October 2015) indicates Local Plan Review timescale as follows:

- Sustainability appraisal scoping: May 2013 (completed)
- Preparation stage consultation : January 2014 (completed)
- Publication stage consultation: February - April 2015 (completed)
- Submission: June 2016
- Hearings: September 2016

- Adoption: January 2017
- Revision: 2020

Since the Local Development Scheme was prepared, further technical work in respect of flood modelling and highway infrastructure design at junction 28 of the M5 at Cullompton has been commissioned and is currently taking place. The outcomes of this technical work are expected in June / July. The latest estimate for Local Plan submission to the Inspectorate assuming no major modifications is August 2016.

At the meeting of Council on 27th April 2016 it was agreed that the outcomes of the Local Plan pre-submission consultation and subsequent technical work be considered by Council and Cabinet. It is likely that this will be via special meetings in August 2016. Plan submission now also expected August 2016 (assuming no major modification is made).

The Government has set out the expectation that Councils should have a local plan in place and that they should be kept up to date. It proposes to publish league tables setting out local plan progress and intervening where no local plan has been produced by early 2017. A new delivery test is also to be introduced to ensure delivery against the number of homes set out in local plans. The Government has indicated that priority for intervention will be Councils without a local plan in place and those that have not kept policies in local plans up to date.

The priority for the Forward Planning Team is currently the Local Plan Review and associated tasks. An interim Team Leader was secured in 2015 to supplement staffing and will cover a further period of maternity leave in 2016. Further resources have been secured via consultancy in order to ensure sufficient staff resources are in place to complete the Local Plan Review process through examination and to adoption.

Other current planning policy related work streams are as follows:

- Review of the Statement of Community Involvement
- Waste storage SPD
- Sustainable Urban Drainage Systems SPD
- Brownfield land register
- Strategic planning work
- Tiverton town centre masterplan
- Area B Tiverton Eastern Urban Extension masterplan
- Neighbourhood planning screening and support as resources allow

Over 15/16 the Planning Service has also produced a Tiverton Eastern Urban Extension design guide following the adoption of the Area A masterplan and adopted a masterplan SPD for the Cullompton NW Urban Extension.

Performance for 2015/16 shows that in the majority of instances targets are being met or exceeded. However there remain areas of concern, particularly given the ever tightening performance environment.

Planning Service staffing continues to still not be at full strength due to the maternity leave of several senior staff. This continues to have knock-on effects in terms of associated arrangements for cover and redeployment of staff into different roles and is expected to continue to do so into the first half of this financial year. Not all posts have been backfilled, but are being kept under review. The performance of the service in meeting the majority of targets over 15/16 represents a significant achievement, particularly in light of the challenges over this financial year referred to above.

Planning Service workload is expected to rise in 2016 due to the Local Plan Review and other emerging policy work, largescale major applications expected in Tiverton and Cullompton associated with urban extensions, the programmed submission of a planning

application for development at J27 and the implementation of further changes to the planning system.

Planning performance continues to be closely monitored. The performance of the planning service against targets is increasingly important, requires resourcing and presents an ongoing risk to the authority both financially and reputationally. Every effort continues to be made to maintain our charter standards of customer service and our performance levels within the eight and thirteen week government target periods.

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List of Background Papers: PS1 and PS2 returns
DCLG Improving planning performance – Criteria for designation. June 2014
DCLG Planning performance and the planning guarantee –Government response to consultation. June 2013
HM Treasury ‘Fixing the foundations – creating a more prosperous nation’ July 2015
Department of Communities and Local Government – Technical consultation on implementation of planning changes. February 2016

Circulation of the Report: Cllr Richard Chesterton
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