

ENDA ITEM

PLANNING COMMITTEE

DATE: 5TH OCTOBER 2016

REPORT OF JENNY CLIFFORD, THE HEAD OF PLANNING AND REGENERATION

PLANNING PERFORMANCE 2016/17 QUARTER 1.

RECOMMENDATION:

For information and discussion.

REASON FOR REPORT:

To provide the Committee with information on the performance of Planning Services for the quarter 1 of the 2016/17 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

- 1.1 Set out below are the Planning Service performance figures for quarter 1 from 1st April – 30th June 2016. Performance data is published quarterly on the Council's website at <https://new.middevon.gov.uk/planning/performance-standards/>
- 1.2 Performance is set out below and expressed as a percentage unless marked otherwise and reports against a mix of Government and local performance targets. The context against previous performance is also shown.

Planning Service Performance	Target	2015/16				2015/16	2016/17
		Q1	Q2	Q3	Q4		
Major applications determined within 13 weeks	60%	*57	*50	*75	*33	*47%	75%
Minor applications determined within 8 weeks	65%	68	73	74	64	68%	72%
Other applications determined within 8 weeks	80%	91	85	75	89	86%	76%
Householder applications determined in 8 weeks	85%	92	97	95	88	93%	86%
Listed Building Consents	80%	70	67	85	70	71%	78%
Enforcement site visits undertaken within 15 days of complaint receipt	87%	100	94	89	91	89%	92%
Delegated decisions	90%	94	93	94	94	94%	95%
No of applications over 13 weeks old without a decision	Less than 45 applications	25	26	36	40	40	37
Major applications determined within 13 weeks (over last 2 years)	More than 50%	51	58	56	53	53%	51%
Major applications overturned at appeal as % of all major decisions in last 2 years	Less than 20%					10%	14%
Determine all applications within 26 weeks or with an extension of time (per annum –Government planning guarantee)	100%	97	96	94	99	99%	93%
Building Regulations Applications examined within 3 weeks	95%	70	70	76	67	72%	96%
Building Regulation Full Plan applications determined in 2 months	95%	99	98	97	87	97%	96%

*Important note on major application statistic reporting: The statistics for major applications determined within 13 weeks reported above within 15/16 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 the percentage of major applications determined within 13 weeks compared with the target 60% for **15/16** shows that this performance target was met. For **16/17**, the major applications determined within 13 weeks figure now includes those where there has been an extension of time.

2.0 APPLICATION PROCESSING- DEVELOPMENT MANAGEMENT.

2.1 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.

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

Both these are currently being met. Authorities not meeting these targets risk being designated as underperforming, resulting in the application of special measures.

2.2 Application determination performance results for Qu 1 16/17 indicate that the majority of the national planning performance indicators continue to be met and exceeded by the Service. Performance over 'other' applications at 76% determined within 8 weeks shows a slight deficit against the Government target of 80% (Listed Building Consent applications fall within this application type and were at 78% during this period). The 'planning guarantee' of 100% of applications determined within 26 weeks was not met, but extensions of time are able to be secured which reduces the financial risk to the Council of fee return. Such extensions of time are normally sought to secure completion of S106 agreements. This indicator is the subject of regular monitoring. The Planning Service is currently carrying several vacant posts pending a review of its staffing structure.

2.3 The Autumn Statement 2015 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 Act 2016 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.

2.4 New non-major application performance targets that have been 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. There is therefore a clear Government intention to raise performance within this aspect of the planning system and we must therefore seek to anticipate these shifting requirements.

3.0 PLANNING ENFORCEMENT.

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

	2015/16				2016/17
Enforcement	Qu 1	Qu 2	Qu 3	Qu 4	Qu 1
New enforcement cases registered	14	71	54	83	69
Enforcement cases closed	47	53	39	62	63
Committee authorisations sought	3	2	1	2	4
Planning contravention notices served	Data available from Qu 2	9	5	10	5

Breach of condition notices served	0	1	0	0	0
Enforcement notices served	2	1	0	3	3

2.2 Staffing in enforcement during quarter 1 has fluctuated following the resignation of a full time officer. A temporary resource was brought in to assist over a three month basis. A new full time Enforcement Officer is due to start at the beginning of October 2016, but from then there will be a part time vacancy following the departure of another Enforcement Officer at the end of September.

4.0 **BUILDING CONTROL.**

4.1 Building Control performance in plan checking and for full applications has met local performance targets in quarter 1 of 2016/17. The service is now operating with a full complement of staff and continues to be managed on a joint basis with that at 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 and work on this project is progressing with an intended go live date of the beginning of April 2017.

4.0 **PLANNING POLICY – FORWARD PLANNING.**

4.1 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. At the time of writing this report the Council meeting of 22nd September 2016 has not yet taken place and it is not known whether a land allocation for a mixed use development including tourism, leisure and designers outlet village is to be made at junction 27 of the M5. The plan as a whole will be reported back to Cabinet in Council in October /November 2016 dependent upon that decision. Cabinet has also indicated a wish for a further 6 week public consultation in advance of plan submission irrespective of whether an allocation is made at Junction 27.

4.2 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 has set a target for all Councils to have submitted a post National Planning Policy Framework (2012) local plan by the end of March 2017. 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.

4.4 The priority for the Forward Planning Team is currently the Local Plan Review and associated tasks.

5.0 **CONCLUSIONS.**

4.1 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.

Contact for Information: Jenny Clifford, Head of Planning and Regeneration
01884 234346

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
Members of Planning Committee