

PLANNING COMMITTEE

DATE: 12TH JULY 2017

REPORT OF MRS JENNY CLIFFORD, THE HEAD OF PLANNING, ECONOMY AND REGENERATION

PLANNING PERFORMANCE 2016/17

RECOMMENDATION: For information and discussion.

REASON FOR REPORT:

To provide the Committee with information on the performance of aspects of the planning function of the Council for 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 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.

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 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. The targets of more than 60% and 70% respectively have been met for the two year period ending March 2017. The Government's two year assessment period ends September 2017. 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 of not less than 10% has been met over the Government's assessment period.

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 increased the thresholds for intervention and by introducing new measures for speed and quality of service to cover non-major applications.

In the current absence of a 5 year housing land supply, achieving the quality measure threshold for major application performance at appeal becomes more challenging.

EQUALITY IMPACT ASSESSMENT: No equality issues identified for this report.

1.0 PLANNING PERFORMANCE

- 1.1 Set out below are the Planning Service performance figures for 2016/17 and showing a comparison against those achieved for 2015/16. 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.

Planning Service Performance	Target	15/16	16/17 by quarter				16/17
			Q1	Q2	Q3	Q4	
Major applications determined within 13 weeks	60%	*47%	75%	100%	100%	100%	90%
Minor applications determined within 8 weeks	65%	68%	72%	72%	79%	82%	80%
Other applications determined within 8 weeks	80%	86%	76%	77%	73%	90%	89%
Householder applications determined in 8 weeks	85%	93%	86%	93%	93%	98%	98%
Listed Building Consents	80%	71%	78%	81%	89%	81%	84%
Enforcement site visits undertaken within 15 days of complaint receipt	87%	89%	92%	100%	89%	96%	96%
Delegated decisions	90%	94%	95%	94%	92%	95%	94%
No of applications over 13 weeks old without a decision	Less than 45 applications	40	37	39	33	29	29
Major applications determined within 13 weeks (over preceding 2 years)	More than 60% (previously 50%)	53%	51%	80%	82%	82%	82%
Major applications overturned at appeal as % of all major decisions over preceding 2 years	Less than 10% (previously 20%)	10%	14%	6%	5%	7%	7%
Non-major applications determined within 8 weeks (over preceding 2 years)	More than 70%	N/A	-	-	-	77%	77%
Non-major applications overturned at appeal as % of all non-major decisions over preceding 2 years	Less than 10%	N/A	-	-	-	<1%	<1%
Determine all applications within 26 weeks or with an extension of time (per annum –Government planning guarantee)	100%	99%	93%	100%	100%	100%	100%
Building Regulations Applications examined within 3 weeks	95%	72%	96%	72%	83%	100%	88%

Building Regulation Full Plan applications determined in 2 months	95%	97%	96%	84%	88%	98%	91%
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*Important note on application statistic reporting: The statistics for applications determined within 8/13 weeks reported above within 15/16 includes all 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 these performance targets remove reporting applications with extensions of time or PPAs from the targets 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 applications determined within 8/13 weeks figure now include those where there has been an extension of time and indicate performance targets have been met.

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 planning application decision making are used by the Government as indicators of performance in terms of both speed and quality of decision making. They have recently been tightened and are as follows:

Speed:

- Majors: More than 60% of major applications determined within 13 weeks (over 2 year period). Mid Devon performance on this for the 2 year period to the end of September 2017 was 82%.
- Non majors: More than 70% of non-major applications determined within 8 weeks (over 2 year period). Mid Devon performance on this for the 2 year period to the end of September 2017 was 77%.

Quality:

- Majors: Previous assessment round -Applications determined over a 2 year period, no more than 20% of decisions to be overturned at appeal. Current assessment period for the 2 years prior to the end of March 2017: no more than 10% of decisions to be overturned at appeal. The Mid Devon figure over this period was less than 7%.
- Non majors: This new indicator of quality of decision making is measures over a 2 year assessment period to the end of March 2017: no more than 10% of decisions to be overturned at appeal. The Mid Devon figure over this period was less than 1%.

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 4 16/17 and for 16/17 as a whole indicate that in the main, the national planning performance indicators continue to be met and exceeded by the service. However this does rely in part upon the agreement of extensions of time with the applicant. There is provision for such agreements in accordance with Government methodology on calculating performance.

2.3 The 'planning guarantee' of 100% of applications determined within 26 weeks was met. Extensions of time are secured which reduces the financial risk to the Council of

fee return. Such extensions of time are normally sought in order to secure completion of S106 agreements.

- 2.4 A restructure of the service has recently been undertaken in order to merge economic development, regeneration and planning related functions. The planning part of the service has been carrying vacancies within development management pending the restructure. Recruitment is now underway to fill the vacant posts with the aim of the achieving full staffing of the development management part of the service as soon as possible. This will allow caseloads per officer to reduce back to more manageable levels.

3.0 **PLANNING ENFORCEMENT.**

- 3.1 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	Qu 2	Qu 3	Q4
New enforcement cases registered	14	71	54	83	69	75	35	73
Enforcement cases closed	47	53	39	62	63	58	56	22
Committee authorisations sought	3	2	1	2	4	10	6	3
Planning contravention notices served	Available from Qu 2	9	5	10	5	3	2	1
Breach of condition notices served	0	1	0	0	0	0	0	1
Enforcement notices served	2	1	0	3	3	2	1	1

The total number of open enforcement cases at the time of writing this report stands at 226. Future performance reports will track this number so that Members gain a clearer understanding of the number of alleged breaches of planning control being investigated at any one time. During 16/17 252 new enforcement cases were registered, whilst 199 were closed.

- 3.2 16/17 has seen significant challenges in sustaining staffing within the enforcement team with staffing dropping back to 1 FTE instead of the normal 2.5 FTE as a result of staff leaving the Council. Recruitment of replacement Enforcement Officers is at an advanced stage and by the June Planning Committee the team should be back to full strength.

4.0 **BUILDING CONTROL.**

- 4.1 Building Control performance in plan checking and for full applications missed local performance targets in quarters 2 and 3 of 2016/17. Performance has since recovered in quarter 4. This drop in performance reflected the clearing out and finalisation of some older cases, a period of continued development of newer members of Building Control staff together with work to set up and progress the Building Control Partnership project with North Devon Council. Furthermore, a different system report is now in use to compile these figures which allows greater interrogation of the data behind the percentage figures and hence greater accuracy.

- 4.2 NMD Building Control, the partnership service with North Devon Council went live at the beginning of April 2017. Concerted efforts are being made to get on top of application validation and processing in order to meet performance expectations of the combined service. The service is now being operated out of Tiverton and South Molton.

5.0 PLANNING POLICY – FORWARD PLANNING.

- 5.1 A significant achievement of the Forward Planning team was to undertake a pre-submission stage of public consultation ending on 14th February 2017, collate and analyse responses and to submit the Local Plan Review together with supporting information to the Planning Inspectorate by the end of March 2017. This was achieved and met the Government's timescale. Subsequently, the team continues to undertake work that will be needed to support the plan at examination. At the time of writing this report no examination date has yet been set by the Inspector, but it is now likely to be after the summer holidays.
- 5.2 Work continues on the Greater Exeter Strategic Plan and a first stage of public consultation on the vision and scope of the plan was held between 27th February and 10th April 2017. A call for sites has also been undertaken in connection with this plan. An update report including emerging timescale for the plan was considered at Cabinet on 5th January 2017 and Council on 22nd February. Over the next few months, the strategic plan work will consider strategy options and growth areas with site assessments contributing to formulating proposed strategic allocations. A draft plan is due to be considered at committee meetings of Mid Devon, Exeter City, East Devon and Teignbridge Councils in December before public consultation early in the New Year.
- 5.3 Mid Devon Forward Planning Team continues to prepare for the Local Plan Review examination and associated tasks, but is also contributing to the Greater Exeter work. 2 members of the team are working in Exeter on the strategic plan for part of the week.

6.0 PLANNING SERVICE PRODUCTIVITY.

- 6.1 During 16/17 the service reviewed opportunities available for efficiencies and greater productivity with support from the Local Government Association as part of their national 'Productivity Expert' programme. A final report from the productivity consultant has been produced and was brought before Members of Planning and Scrutiny Committees at meetings in March 2017.
- 6.2 The report identified that *"The performance of the planning application team is generally good, notwithstanding the gaps that currently exist in the staffing structure and the team are committed to the delivery of a quality service....Performance management is in place and will be further enhanced by a new reporting and monitoring tool that is going to be added to the existing back office system."* Notwithstanding this, a series of recommendations were made across a range of topics. These recommendations dealt with detailed operational matters. A service improvement plan incorporating the recommendations is being prepared.

Contact for Information: Jenny Clifford, Head of Planning and Regeneration
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List of Background Papers: PS1 and PS2 returns

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

Improving Planning Performance: Criteria for
Designation, DCLG November 2016

Planning Committee 29th March 2017 – productivity
review.

Scrutiny Committee 13th March 2017 - productivity
review.

Circulation of the Report:

Cllr Richard Chesterton
Members of Planning Committee