

## **PLANNING COMMITTEE**

**DATE: 4<sup>TH</sup> OCTOBER 2017**

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

#### **PLANNING PERFORMANCE AGAINST TARGETS QUARTER 1 APRIL – JUNE 17/18**

**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 quarter 1 17/18

#### **MATTERS FOR CONSIDERATION:**

Performance against targets, the Government's performance assessment 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 were met for the two year period ending March 2017. The Government's two year assessment period ended in 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% were 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 enhanced thresholds for intervention that also introduce measures for speed and quality of service to cover non-major applications. The speed and

quality of the determination of major applications has been the subject of Government performance indicators for some time.

The current absence of a 5 year housing land supply is resulting in speculative applications for major scale development on non-planned sites. Achieving the quality measure threshold for major application performance at appeal becomes more challenging within this context.

**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	17/18
			Q1	Q2	Q3	Q4		
Major applications determined within 13 weeks	60%	*47%	75%	100 %	100 %	100 %	90%	<b>75%</b>
Minor applications determined within 8 weeks	65%	68%	72%	72%	79%	82%	80%	<b>82%</b>
Other applications determined within 8 weeks	80%	86%	76%	77%	73%	90%	89%	<b>91%</b>
Householder applications determined in 8 weeks	85%	93%	86%	93%	93%	98%	98%	<b>94%</b>
Listed Building Consents	80%	71%	78%	81%	89%	81%	84%	<b>81%</b>
Enforcement site visits undertaken within 15 days of complaint receipt	87%	89%	92%	100 %	89%	96%	96%	<b>88%</b>
Delegated decisions	90%	94%	95%	94%	92%	95%	94%	<b>95%</b>
No of applications over 13 weeks old without a decision	Less than 45 applications	40	37	39	33	29	29	<b>41</b>
Major applications determined within 13 weeks (over preceding 2 years)	More than 60% (previously 50%)	53%	51%	80%	82%	82%	82%	<b>83%</b>
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%	<b>4%</b>
Non-major applications determined within 8 weeks (over preceding 2 years)	More than 70%	N/A	-	-	-	77%	77%	<b>79%</b>
Non-major applications overturned at appeal as % of all non-major decisions over preceding 2 years	Less than 10%	N/A	-	-	-	<1%	<1%	<b>&lt;1%</b>
Determine all applications within 26 weeks or with an extension of time (per annum –Government	100%	99%	93%	100 %	100 %	100 %	100%	<b>99%</b>

planning guarantee)									
Building Regulations Applications examined within 3 weeks	95%	72%	96%	72%	<b>83%</b>	100 %	88%	<b>96%</b>	
Building Regulation Full Plan applications determined in 2 months	95%	97%	96 %	84%	<b>88%</b>	<b>98%</b>	<b>91%</b>	<b>84%</b>	

\*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** and **17/18**, 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 As reported on previous occasions, 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 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 June 2017 was **83%**.
- 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 June 2017 was **79%**.

### 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 June 2017: no more than 10% of decisions to be overturned at appeal. The Mid Devon figure over this period was **4%**.
- Non majors: This new indicator of quality of decision making is measures over a 2 year assessment period to the end of June 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 1 17/18 indicate that 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 recorded at 99%. 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 had been carrying vacancies within development management pending the restructure. Recruitment is near completion with appointments having been made to fill the vacant posts. New staff have either started or will do so shortly. By the end of October the development management part of the service should be fully staffed for the first time in over a year. Application performance has in the main met or exceeded targets during the period of staff vacancies due to the extensive efforts of existing staff. However discretionary services such as the duty planning officer and pre-application advice service have been reduced during this period to allow staff to prioritise statutory elements of the service. A return to full staffing will allow caseloads per officer to reduce back to more manageable levels and for a greater level of service development to take place.

### 3.0 **PLANNING ENFORCEMENT.**

- 3.1 Activity within the enforcement part of the planning service by quarter is as follows:

	<b>2015/16</b>				<b>2016/17</b>				
<b>Enforcement</b>	<b>Qu 1</b>	<b>Qu 2</b>	<b>Qu 3</b>	<b>Qu 4</b>	<b>Qu 1</b>	<b>Qu 2</b>	<b>Qu 3</b>	<b>Qu 4</b>	<b>Qu 1</b>
New enforcement cases registered	14	71	54	83	69	75	35	73	<b>53</b>
Enforcement cases closed	47	53	39	62	63	58	56	22	<b>23</b>
Committee authorisations sought	3	2	1	2	4	10	6	3	<b>0</b>
Planning contravention notices served	Available from Qu 2	9	5	10	5	3	2	1	<b>3</b>
Breach of condition notices served	0	1	0	0	0	0	0	1	<b>0</b>
Enforcement notices served	2	1	0	3	3	2	1	1	<b>6</b>

The total number of open enforcement cases reported as at early June 2017 stood at 226. At the time of writing this report (25<sup>th</sup> September 2017) this figure is now 160. This represents 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 When fully staffed, the planning enforcement team is 2.5 FTE. 16/17 saw significant challenges in sustaining staffing within the enforcement team with staffing dropping back to 1 FTE as a result of staff leaving the Council. Recruitment of replacement

Enforcement Officers was completed during this quarter and the team is now operating at 2.5 FTE.

#### **4.0 BUILDING CONTROL.**

- 4.1 Building Control performance in plan checking exceeded the local performance target, whilst that relating to the assessment of full plans applications was missed for this quarter. This drop in performance continues to reflect the process of setting up the Building Control Partnership project with North Devon Council.
- 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 The Forward Planning team continues to prepare for the Local Plan Review examination and associated tasks following the submission of the plan at the end of March 2017. An independent review of the Sustainability Assessment is currently being commissioned. No date has yet been set for the examination.
- 5.2 Work also 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 27<sup>th</sup> February and 10<sup>th</sup> April 2017. A call for sites was also undertaken in connection with this plan. 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 the New Year before public consultation.

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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

**Circulation of the Report:** Cllr Richard Chesterton  
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