

REPORT TO PLANNING COMMITTEE

DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2015/2016

Purpose of the report

To provide members with an end of year report on the performance recorded for Development Management (Development Control) between 1st April 2015 and 31st March 2016. Figures for 2013/14 and 2014/15 are also provided, as are the targets set out within the 2015/16 Planning and Development Service Plan, and performance targets adopted for 2016/17.

Recommendations

- (a) That the report be received**
- (b) That the Head of the Planning and Development, with the Development Management Team Manager, by continuing to implement the Development Management Performance Action Plan, seek to maintain performance of the Development Management team where satisfactory and improve the service provided where the level of performance may otherwise fall below targets adopted in the 2016/17 Planning and Development Service Plan**
- (c) That the 'Mid-Year Development Management Performance Report 2016/17' be submitted to the Committee around October 2016 reporting on performance achieved for the first half of 2016/17 in relation to these targets, including the 6 indicators considered below and others which are to be introduced for the first time in 2016/17**

Reasons

To ensure that appropriate monitoring and performance management procedures are in place and that the Council continues with its focus on improving performance, facilitating development and providing good service to all who use the Planning Service.

1. Background:

An extensive set of indicators is collected to monitor the performance of Development Management. These include both 'National Indicators' and those devised by this Council – 'local indicators'. These indicators have changed over time and officers have sought to ensure that the right things are being measured to enable us to improve performance in every significant area of the work of Development Management. The range of indicators used reflects the objective of providing a *balanced end to end* development management service, including dealing with pre-application enquiries, breaches of planning control, considering applications, and approving subsequent details and delivering development. The focus up to now has been on the speed of performance - this being capable of measurement. A report elsewhere on the agenda for this meeting considers the Council's appeal performance for 2015/16, and reports on the government's measures of the quality of decision making within the Council.

2. Matters for consideration:

There is an Appendix attached to this report:-

APPENDIX 1: 'NATIONAL AND 'LOCAL' PERFORMANCE INDICATORS FOR DEVELOPMENT MANAGEMENT 2013/14, 2014/15, and 2015/16: Contains quarterly and annual figures for the 'local' Performance Indicators applicable during 2015/16 (comparative figures for 2013/14 and 2014/15 are also shown).

The first part of this report is a commentary on the performance achieved against the local performance indicator targets as set out in detail in Appendix 1. It follows on from a report that was considered by the Planning Committee at its meeting on the 10th November 2015 which reported on the mid-year performance figures and gave predictions on whether the targets for 2015/16 set in the 2015/16 Planning & Development Service Plan would be likely to be achieved.

The second part of this report refer to steps that have been taken and that need to be taken to maintain, and where necessary improve, performance.

The Council's Finance, Resources, and Partnerships Scrutiny Committee and subsequently Cabinet receives a Quarterly Financial and Performance Management report on a series of performance indicators including currently the three below which related to the speed of determination of planning applications, and any indicators failing to meet the set targets are reported by exception.

3. The performance achieved and the targets for 2016/17:

6 indicators, all measuring speed of performance, were included in the 2015/16 Planning and Development Service Plan relating to Development Management. These are referred to in the commentaries below. Members will note that out of these 6 performance indicators, the target set has been met in 2015/16 in 3 cases, but it has not been achieved in the other 3.

In consultation with the Planning Portfolio holder and the Chair of the Planning Committee there has been a review of the Service's targets and new ones have been set for each of the above 6 indicators for 2016/17 and these will be referred to below, as will others

INDICATOR Percentage of applications determined within the following timescales:-

- (1) % of 'Major' applications determined 'in time'**
- (2) % of 'Minor' applications determined within 8 weeks**
- (3) % of 'Other' applications determined within 8 weeks**

'Major' applications are defined as those applications where 10 or more dwellings are to be constructed (or if the number is not given, the site area is more than 0.5 hectares), and, for all other uses, where the floorspace proposed is 1,000 square metres or more or the site area is 1 hectare or more. 'Minor' applications are those for developments which do not meet the criteria for 'Major' development nor the definitions of Change of Use or Householder Development. 'Other' applications relate to those for applications for Change of Use, Householder Developments, Advertisements, Listed Building Consents, Conservation Area Consents and various applications for Certificates of Lawfulness, etc.

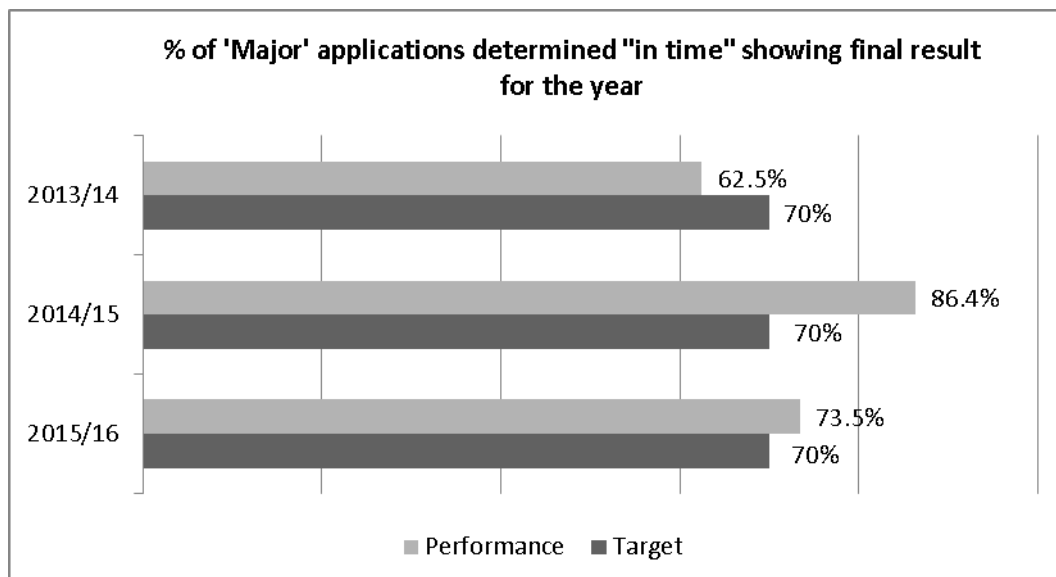
The Government does not set "targets" for the speed of determination of applications, but instead has brought in a system of designation of poorly performing planning authorities – one of the two current criteria for designation is a threshold relating to the speed of determination of Major applications, performance below which designation is likely. Designation as a poorly performing Local Planning Authority would have significant and adverse consequences for the Council. In September 2015 Parliament lifted the designation threshold on Major decisions on time from 40% up to 50% (when originally introduced it was 30%) and the Government has also during the past year amended the definition of what is meant by "in time".

The other designation criterion measures the quality of decision making as demonstrated by appeal performance and the Council's performance in this respect is addressed in the Annual Appeals Performance.

The Government in January 2016 consulted upon details of its proposals to extend its performance regime including to Non-Major applications - both with respect to speed of determination and quality. This consultation was reported to the Planning Committee in February 2016 and the Council submitted comments on the proposals. Its comments and those of others are currently being assessed by Government. With respect to 'speed of determination' the Government are suggesting that where authorities fail to determine 60-70% of applications for non-major development "in time", over a two year assessment period, they will be at risk of designation. They have indicated that they do not, for the moment intend to further raise the 50% in time threshold for Major decisions, but will continue to keep it under review. The targets chosen for 2016/17 have taken into account these proposals.

Regardless of any such targets, the Council is required to determine applications in a timely manner and in the case of each application there is a date after which an appeal can be lodged against the Council's failure to determine it. That date can be extended by agreement with an applicant, but delays in the determination of applications are sometimes quoted by various stakeholders as a symptom of a poor planning system, and the applicant's interests are not the only ones that need to be considered as well – undetermined applications and the resultant uncertainty can have a blighting effect on the proposals for adjacent properties. If an Inspector, in any subsequent appeal, was to conclude that there was not a substantive reason to justify delaying the determination of an application, or that the Council had delayed development which should clearly be permitted, then it would be likely that costs would be awarded.

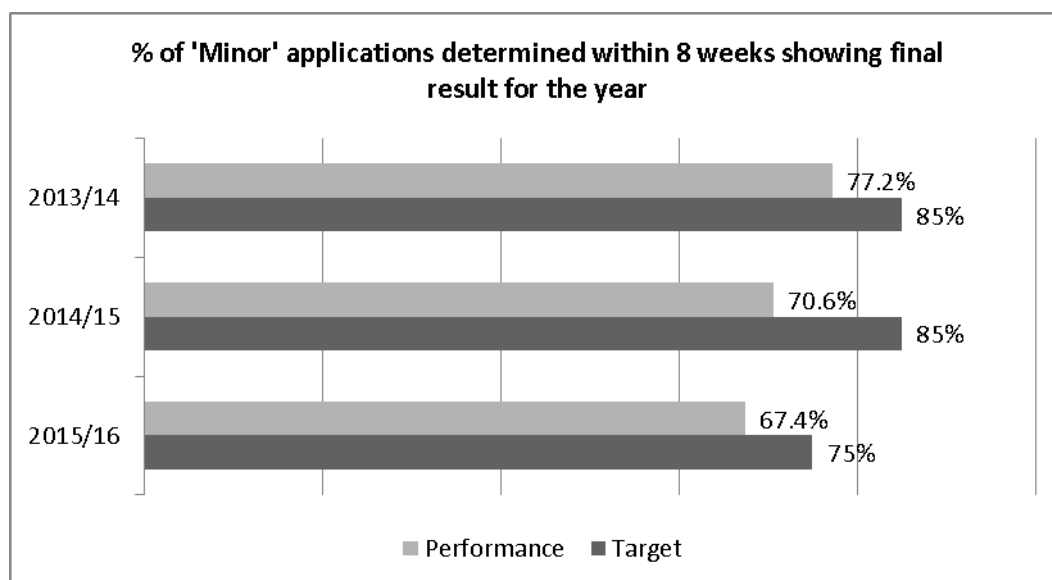
(1) In dealing with '**Major**' applications during 2015/16 we determined 73.5% of the 34 such applications "in time" against a target of 70%. Comparison with performance in previous years is indicated below.



TARGET ACHIEVED

Performance has exceeded the target for dealing with 'Major' applications in a year where the number of such applications determined had increased 34 from 22 in the 2014/15 period. This largely reflects that there is a focus on the obtaining of agreements by applicants to extend the determination period, by the provision of a satisfactory service to them. **To ensure that there continues to be appropriate focus on good performance, to recognise the importance to the economic wellbeing of this area of facilitating developments of this scale, and to avoid any possibility whatsoever of designation, the same 70% target is to be used for this indicator in 2016/17.**

(2) During 2016/17 67.4% of the 267 'Minor' applications were determined within 8 weeks against the 'local' target of 75%. Comparison with performance in previous years is indicated below.



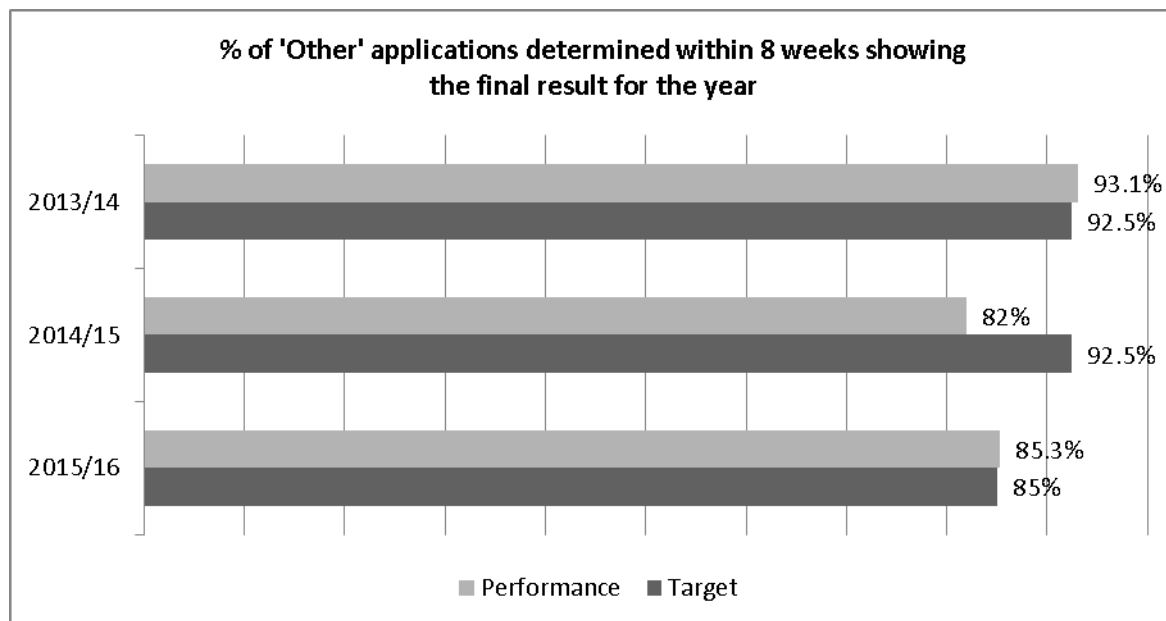
TARGET NOT ACHIEVED

Performance on Minor applications did not achieve the target, falling short by almost 8%, and this has meant that this target has not been met for the fourth consecutive year. This is primarily as a result of staff absences for long periods due to illness. In addition there has been an increase in the number of decisions on Minor applications in this period (218 such applications were determined in 2014/15 compared with 267 in 2015/16). Performance in this area improved in the last quarter of the year due to the use of temporary consultants. Such resources have ensured that the 2016/17 period has started with a very limited backlog of application, all of which were undetermined due to issues with the applications themselves rather than capacity.

With respect to the current year 2016/17 the government are proposing that where authorities fail to determine 60-70% of applications for non-major development “in time” they will be at risk of designation and this performance measure is expected to be brought in within 2016/17. However the performance measure will take into account not only Minor applications but also householder and change of use applications, it also will be concerned with decisions that are made “in time” so for 2016/17 it is **proposed to start collecting and reporting on that new measure of performance with a target of 80%, whilst continuing to measure separately how many Minor decisions (& Other decisions) are decided within 8 weeks, at least for 2016/17.**

With respect to the target for the latter it is recognised that continued failure to achieve a self-imposed target over a very long period suggests that the target may be unnecessarily high and a slight downward adjustment of the target from the present 75% to 70% has been agreed. That will still be demanding of the Service.

- (3) During 2015/16 85.3% of the 374 ‘Other’ applications were determined within 8 weeks. The ‘local’ target was 85%. Comparison with performance in previous years is indicated below.

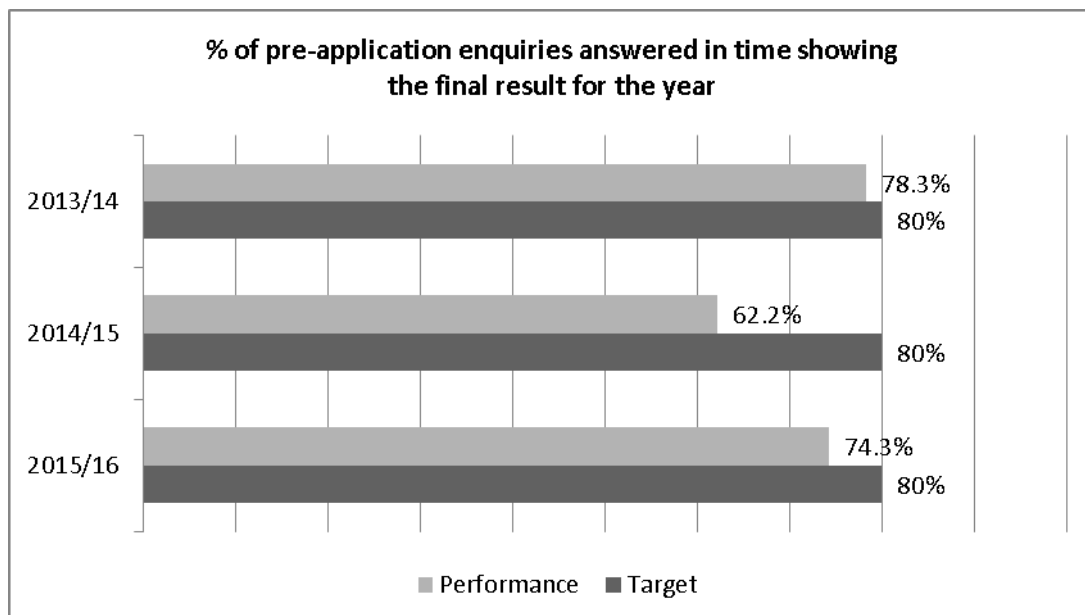


TARGET ACHIEVED

The performance with respect to “Other applications” has been commendable this year showing an improvement in the percentage of such applications determined within 8 weeks compared to 2014/15. As indicated above a new measure/target that will include householder and change of use decisions (part of the “Other” group of applications) within the wider Non-Major group will be introduced with an initial 80% target. In the meantime **at least for 2016/17 information on achievement of “Other” “decisions within 8 weeks will be kept and it is proposed to maintain the current 85% target** in that respect

(4) INDICATOR - Percentage of pre-application enquiries answered ‘in time’

During 2015/16 74.3% of pre-application enquiries were answered ‘in time’. The target for this ‘local’ indicator in 2015/16 was 80%. Comparison with performance in the previous year is indicated below where it can be seen that performance this year improved by over 10% compared to last.



TARGET NOT ACHIEVED

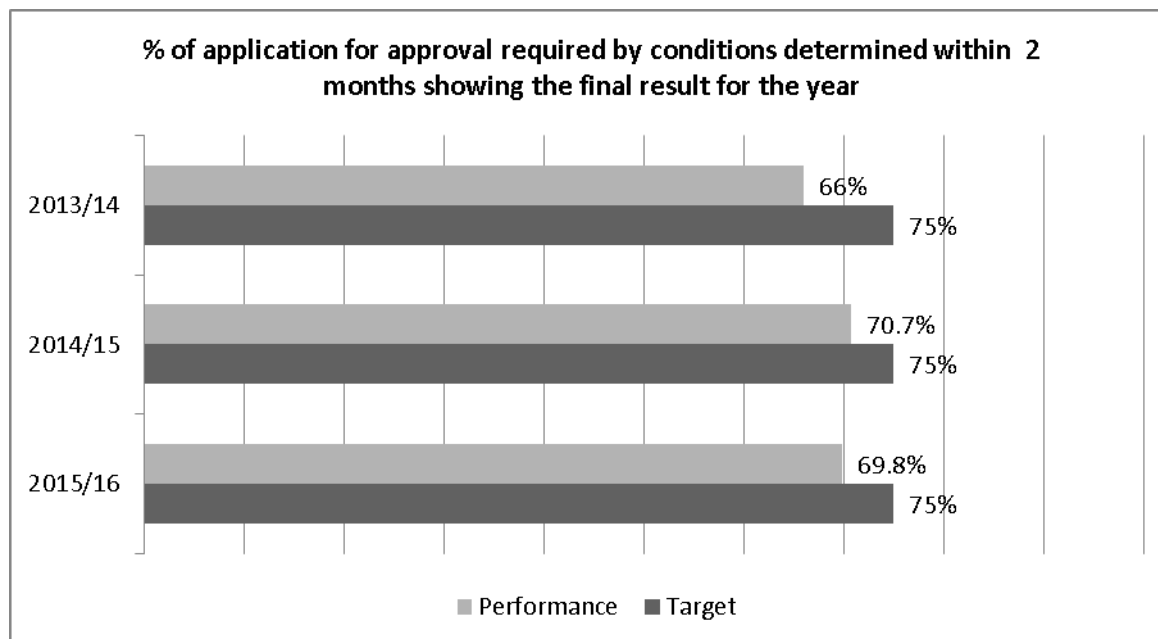
This indicator, introduced in 2013/14, allows for more time for enquiries concerning the more significant proposals, and so more accurately reflects the differing demands which various pre-application enquiries involve. For 'Major' pre-application enquiries the target response time is 35 calendar days, for 'Minor' pre-application enquiries the target response time is 14 calendar days, and for 'Other' pre-application enquiries the target response time is 10 calendar days. The decision as to when an enquiry has been answered can however sometimes be quite subjective, and clarification continues to be provided to officers on this aspect.

To give Members some idea of volume the Service received some 611 such enquiries in 2015/16, of which 33 were 'Major' pre-application enquiries; 184 were 'Minor' pre-application enquiries; and 394 were 'Other' pre-application enquiries.

The performance level achieved was below the 80% target for reasons explained above, but considerably better than in 2014/15. However failure to achieve a self-imposed target over a very long period suggests that the target may be unnecessarily high and a **slight downward adjustment of the target from the present 75% to 70% has been agreed**. That will still be demanding of the Service

(5) INDICATOR - Percentage of applications for approvals required by conditions determined within 2 months

During 2015/16 69.8% of conditions applications were determined within 2 months against a target of 75%. Comparison with performance in previous years is indicated below.

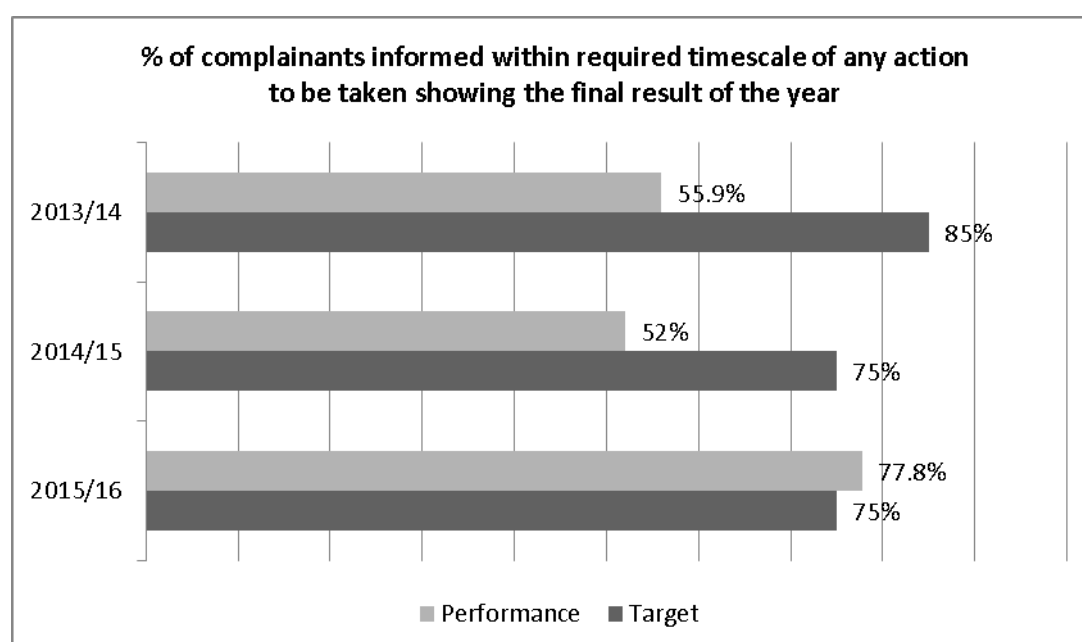


TARGET NOT ACHIEVED

Performance in 2015/16 was similar to that achieved in 2014/15. The number of conditions applications dealt with in 2015/16 at 473 was higher than the number in 2014/15 (450) so the performance achieved was respectable. At national level there has been an increasing focus on local authorities' performance in dealing with applications for approvals required by conditions and the possibility of a deemed approval has been introduced. Information provided to the Committee a couple of years ago suggested that the Council was providing at that time a below national average service on conditions, so despite the fact that there has been a failure to achieve the 75% target over the last 3 years, **it has been agreed that the target should be maintained at 75%**, such is the importance to development of good performance against this measure.

(6) INDICATOR - Percentage of complainants informed within the required timescales of any action to be taken about alleged breaches of planning control.

Performance in 2015/16 was 77.8% compared the 'local' target of 75%. Comparison with previous years' performance is indicated below.



TARGET ACHIEVED

This is a significant improvement and reflects well upon the members of staff involved. There was a slight decrease in the number of new complaints received in 2015/16 (212) compared with the number in 2014/15 (220). **It has been agreed to maintain this 75% target for 2016/17**

4. Measures taken in 2015/16 to maintain performance and future steps:

4.1 As indicated above the Planning Committee at its meeting on the 23rd June 2015 received the annual Development Management and Enforcement Report for 2014/15. The report indicated that only 1 of the 6 targets for 2014/15 had been met.

4.2 At the request of the Committee a report was presented to Planning Committee on 18th August 2015 detailing a Development Plan Performance Action Plan to address issues of performance and its contents were noted.

4.3 During 2015/2016 the Development Management Section had several staff absences for long periods due to ill-health. One of the members of staff who was absent due to ill health subsequently retired In February 2016. That post is currently vacant but there are proposals to seek to fill it. This with the outstanding steps within the Development Management Performance Action Plan will be the focus of management steps.

4.4 Since the Committee's consideration of the Action Plan in August 2015 officers have met twice with the then Chair and Vice Chair of the Committee, and the Planning Portfolio holder, to review progress on the implementation of the Development Management Action Plan. On the accompanying Appendix 2 a progress report on the implementation of the Action Plan is provided.

Date report prepared: 10th June 2016