

REPORT TO PLANNING COMMITTEE

MID-YEAR DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2016/2017

Purpose of the report

To provide members with a mid-year report on the performance recorded for Development Management between 1st April 2016 and 30th September 2016. Figures for 2014/15 and 2015/16 are also provided for comparison as are targets set within the Planning Service Plans for 2014/15 and 2015/16.

Recommendations

(a) That the report be received.

(b) That the Head of Planning with the Development Management Team Leader seeks to maintain performance of the Development Management team where satisfactory and improve the service provided where our level of performance falls significantly below the targets set out in the Planning Service Plan for 2016/17.

(c) That the next 'Development Management Performance Report' be submitted to Committee around May 2017 reporting on performance for the complete year 2016/17.

Reasons for recommendations

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 the 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. The range of indicators included 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.

2. Matters for consideration:

There is an Appendix attached to this report:-

APPENDIX 1: 'NATIONAL AND 'LOCAL' PERFORMANCE INDICATORS FOR DEVELOPMENT MANAGEMENT , 2014/15, 2015/16 and 2016/17: Contains quarterly and annual figures for the national and 'local' Performance Indicators applicable during 2016/17 (comparative figures for 2014/15 & 2015/16 are also shown).

This report is a commentary on the national and local performance indicators 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 24th June 2016 which reported on the performance achieved in 2014/15, and discussed appropriate targets.

3. The performance achieved:

7 indicators are included in the Planning and Development Service Plan for 2016/17. These are referred to in the commentaries below. It is currently predicted that the target set is likely to be met for five of the performance indicators. This is a significant improvement on the position that the Service was in this time last year when it was predicted that only three of the six indicators in place at that time would be met.

INDICATOR - Percentage of applications determined within timescales:-

- (1) 70% of 'Major' applications determined 'in time'**
- (2) 70% of 'Minor' applications determined within 8 weeks**
- (3) 85% of 'Other' applications determined within 8 weeks**
- (4) 80% of 'Non-major' applications determined 'in time'**

The above challenging targets for 2016/17 are local ones – the former comparable 'national' targets for this indicator as set by the Government prior to May 2010 were 65% and 80% respectively for Minors and Others. The Government has brought in a system of designation of poorly performing planning authorities – which includes the setting of a threshold relating to the speed of determination of both Major and Non-Major applications, below which designation is likely. Designation as a poorly performing Local Planning Authority would have significant and adverse consequences for the Council. The Chancellor in his Autumn 2014 Statement announced that the Government would be keeping the speed of decisions on major applications under review, with the minimum performance threshold increasing to 50% of Major decisions on time as performance continues to improve. Parliamentary approval for this change was obtained in September 2015.

The other designation criteria relate to appeal performance and the Council's performance with respect to Major applications was considered in the Annual Appeals Performance report presented to the 21st June 2016 Planning Committee.

The Government in January 2016 consulted as part of the so-called 'Planning Technical Consultation' 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 and the Council submitted comments on the proposals. With respect to 'speed of determination' the Government suggested that where authorities fail to determine 60-70 per cent of applications for non-major development in time, over a two year assessment period, they will be at risk of designation. The Council's targets for 2016/17 have taken into account these and other proposals by introducing a further performance indicator relating the percentage of 'non-major' applications that are determined in time. Performance against this target is being reported here for the first time.

On the 22nd November the Government announced their response to this part of the Planning Technical Consultation. The next assessment will take place in the first quarter of 2017. They will be considering performance in respect of the speed of determination of applications for Major and Non-Major development separately. As far as the thresholds for designation are concerned they will be as follows

For speed of decisions

For applications for Major development : less than **50%** of an authority's decisions made within the statutory determination period or such extended period as has been agreed in writing with the applicant. The threshold will rise to **60%** in 2018.

For applications for Non-Major development : less than **65%** of an authority's decisions made within the statutory determination period or such extended period as has been agreed in writing with the applicant. The threshold will rise to **70%** in 2018

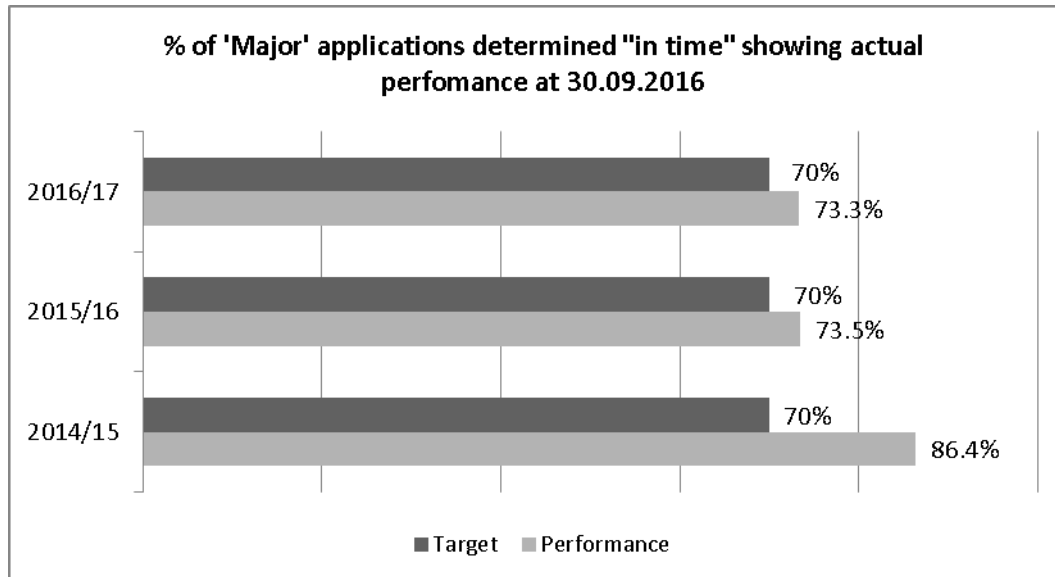
For quality of decisions

They will not be assessing local authorities performance on the quality of their decisions on either Major or Non-Major developments but for application for both Major and Non-Major development in the 2018 designation round : **10%** of an authority's total number of decisions on applications made during the assessment period being overturned at appeal

It is important that members note that because of the way performance is measured current performance and current decisions will be taken into account in these future assessments.

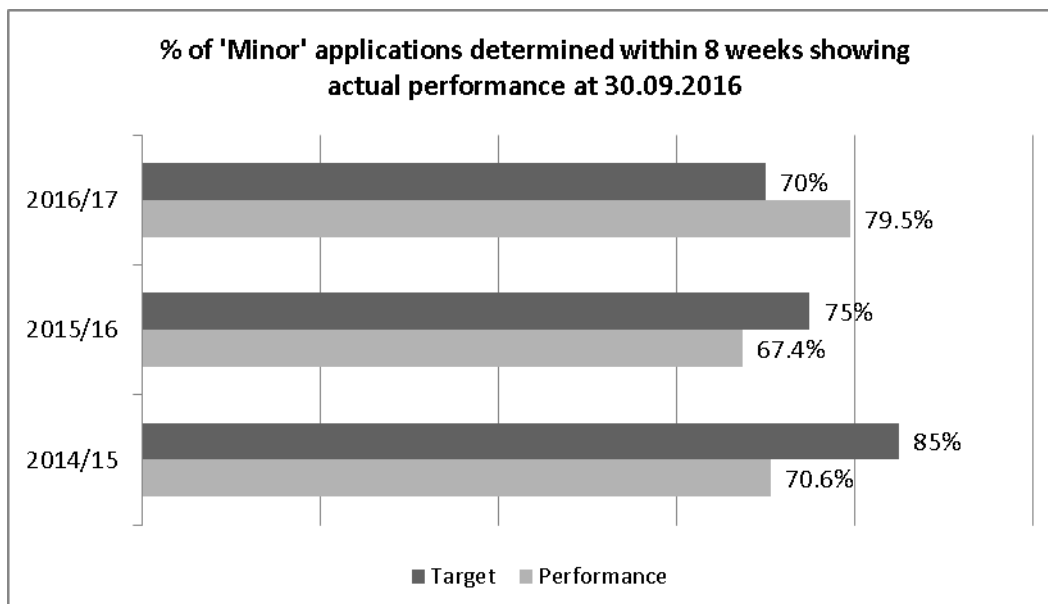
The Council is required in any case to determine applications in a timely manner and in the case of each application there is a date after which an appeal can be lodged against the Council's failure to determine it. That date can be extended by agreement with an applicant, but delays in the determination of applications are often 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. 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 against the Council.

(1) In dealing with **'Major' applications** during 2015/16 we determined 73.5% "in time" ² against the 'local' target of 70% (25 out of 34). Members will note that the local "target" is set currently 20% above the designation level, although unless it is changed that gap will narrow to 10% in 2018. Performance for the first half of 2016/17 was 73.3% reflecting a continued focus by the Service on the obtaining of agreements by applicants to extend the determination period (11 out of 15) by the provision of a satisfactory service to them. 73.3% is significantly above the 2017 designation threshold of 50%. Because of the limited numbers of applications involved each represents a significant percentage.. Based on performance up to the end of September, the major applications currently "in hand", and the applications that are expected to be submitted it is predicted that the target will be met, although it will be challenging.



TARGET FOR 2016/17 LIKELY TO BE ACHIEVED

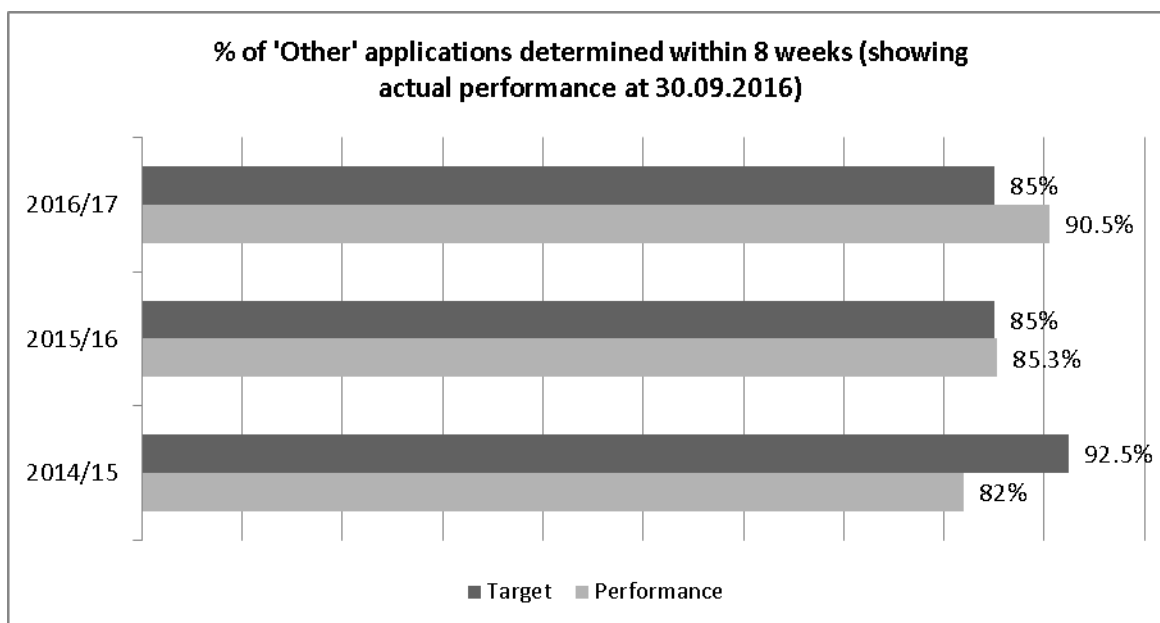
(2) During 2015/16 67.4% of **'Minor' applications** were determined within 8 weeks against the 'local' target of 75% (180 out of 267). Performance for the first half of 2016/17 has been significantly better at 79.5% (93 out of 117) against the 'local' target of 70%.



There is a certain level of backlog of undetermined applications and this has started to have an impact on performance against this indicator. Notwithstanding this, based upon the performance up to the end of September it is currently predicted that the new 70% target will be met.

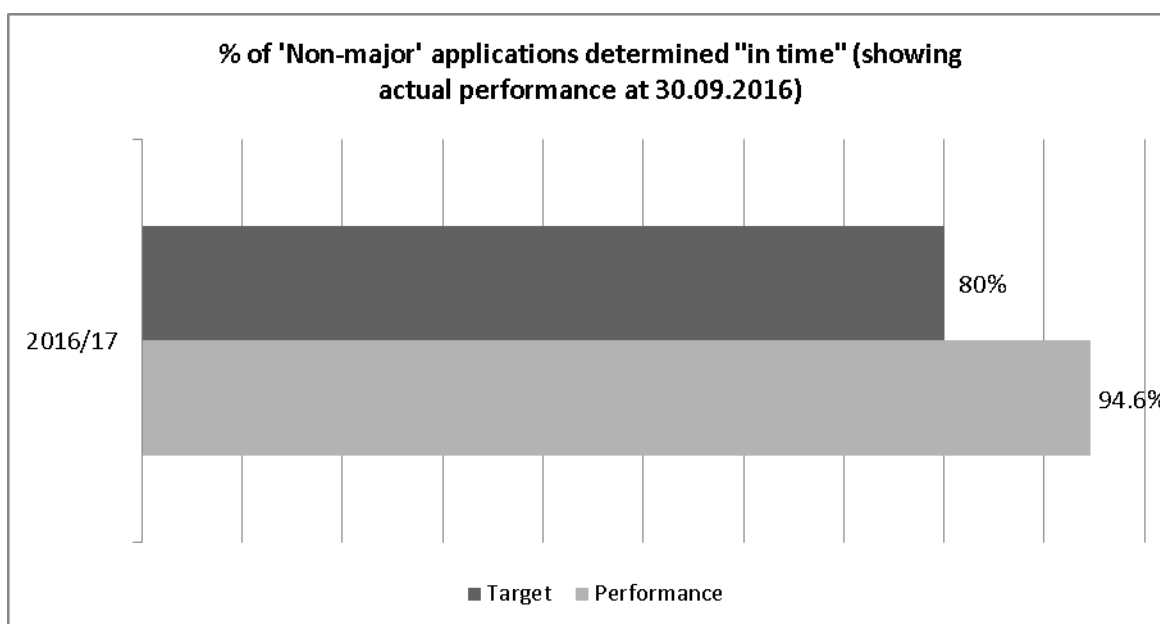
TARGET FOR 2016/17 LIKELY TO BE ACHIEVED

(3) During 2015/16 85.3% of **'Other' applications** were determined within 8 weeks (319 out of 374). Performance for the first half of 2016/17 was 90.5% (182 out of 201) compared with the 'local' target of 85%. The prediction for the year is that the target will be achieved.



TARGET FOR 2016/17 LIKELY TO BE ACHIEVED

(4) As indicated above a new target has been introduced this year relating to **'non-major' applications**¹ determined 'in-time'². Performance for the first half of 2016/17 was 94.6% (282 out of 298) against the 'local' target of 80%. Members will note that the local 'target' is currently set some 15% above the 65% designation threshold that has now been introduced and actual performance currently is significantly above that threshold. This is commendable performance in the determination of the types of applications covered by this target and reflects that requests for extensions to the period for the determination of planning applications are being sought and that applicants are generally willing to agree to such requests to ensure that sufficient time is allowed for issues to be addressed. On the basis of the performance to date the prediction for the year is that the target will be achieved.



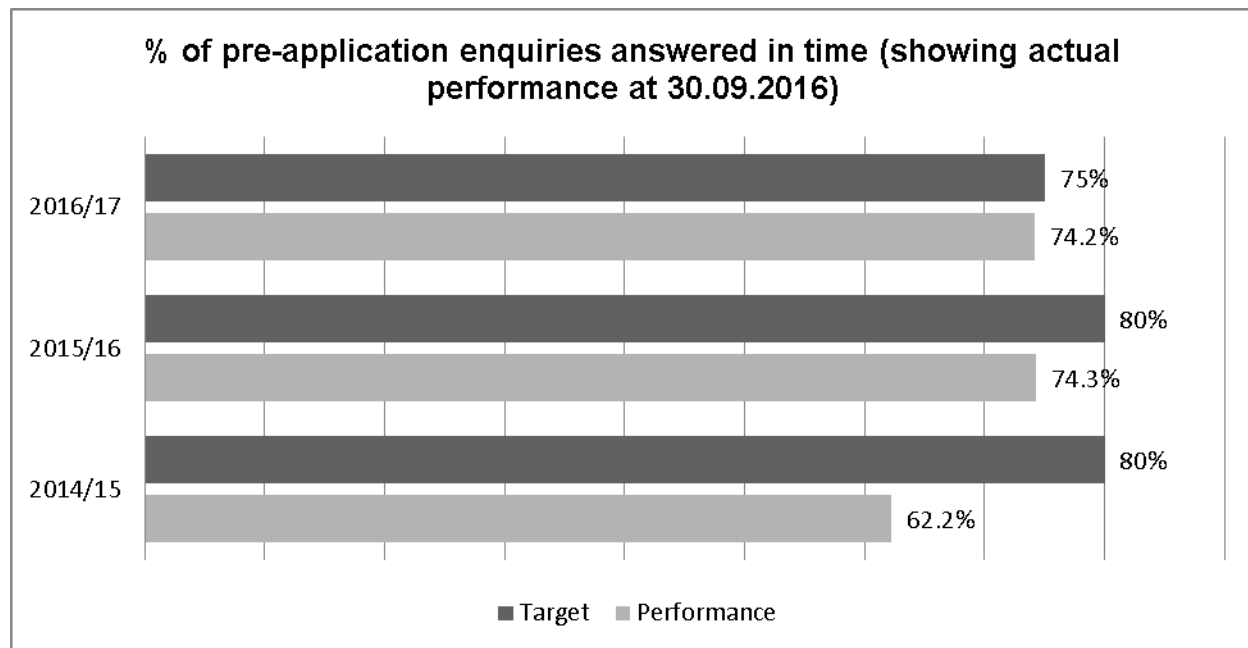
TARGET FOR 2016/17 LIKELY TO BE ACHIEVED

In conclusion the current prediction is that all of the four targets relating to speed of determination of applications are likely to be met.

(5) INDICATOR - Percentage of pre-application enquiries answered in time

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 21 calendar days, and for 'Other' pre-application enquiries the target response time is 14 calendar days. The decision as to when an enquiry has been answered can however sometimes be quite subjective.

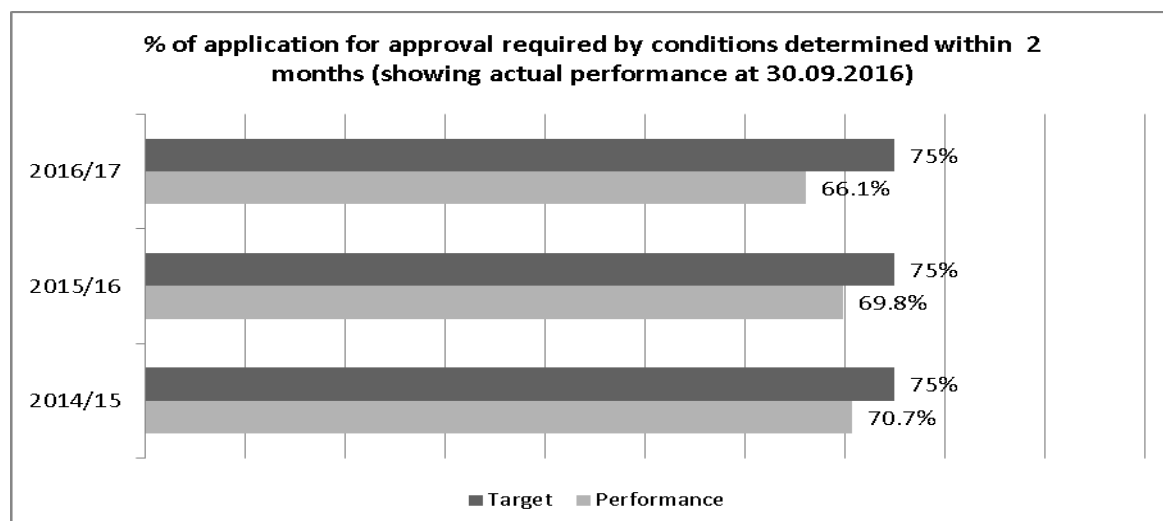
The performance to date is 74.2% against a target of 75% and therefore at this mid-point in the year performance is only marginally below the target. Notwithstanding that such a limited shortfall could be 'clawed back' given that the performance for the first quarter of the year was 72.6% a conservative approach is adopted to the prediction for this indicator.



TARGET FOR 2016/17 UNLIKELY TO BE ACHIEVED

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

The figure for 2015/16 was 69.8%. The figure so far this year is 66.1%. The target for 2016/17 is 75%. The Service received some 160 such applications in the first 6 months of 2015/16 compared to 238 for the same period in the previous year.



The Government have previously identified that planning conditions are an area of concern as too many overly restrictive and unnecessary conditions are routinely attached to planning permissions, with little regard given to the additional costs and delays that they impose. In addition, delays in discharging conditions require the approval of detail can mean that development is not able to be completed as quickly as it should. Whilst they have produced guidance on the use of planning conditions and introduced a deemed discharge procedure that a developer can invoke if they do not receive a decision in time, the Government remain concerned and have recently undertaken a consultation seeking views on proposals to prohibit the use of pre-commencement conditions without the written agreement of the applicant, and the potential for a wider application of primary legislation to prohibit conditions in targeted circumstances.

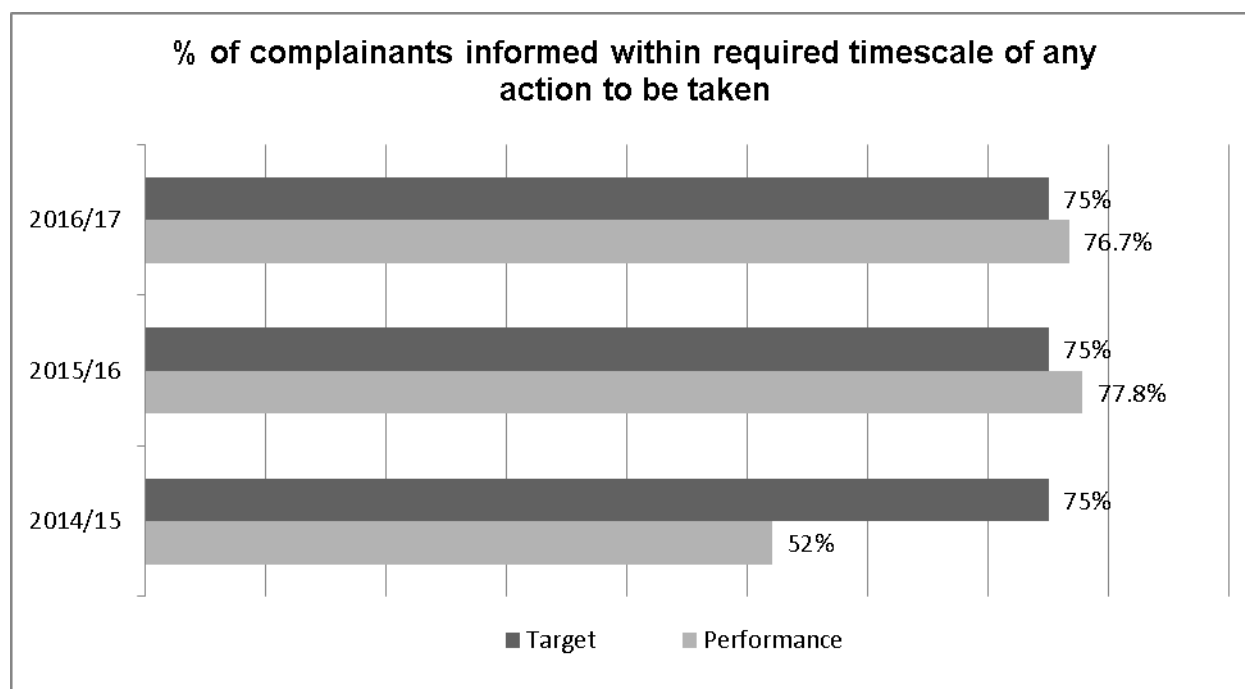
As with the Government, your Officer is keen to ensure that the handling of conditions application does not hinder or delay development, however, whilst continued emphasis has been placed on performance relating to the determination of conditions applications the target is not being achieved. This is disappointing, but it should be recognised that to some extent this performance is a reflection of the inadequacy of the information submitted and the need then for further time to be given to enable amendments or additional information to be provided so that the requirements of the conditions are satisfied. Officers are routinely seeking formal agreement to extend the time period for the determination of conditions applications and applicants are happy to provide such agreement as the only alternative available is to refuse the application because the condition has not been satisfied.

In light of performance to date and the need on occasion to allow additional time for the determination of such applications it is predicted that this target will not be met, given the performance achieved to date.

TARGET FOR 2016/17 UNLIKELY TO BE ACHIEVED

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

The performance to date is 76.7% against a target of 75%. The much improved performance achieved in 2015/16 compared to the previous year has therefore been maintained so far this year.



TARGET FOR 2016/17 LIKELY TO BE ACHIEVED

Source of information/background papers

1. General Development Control Returns PS1 and PS2 for 2014/15 – 2016/17

2. Planning Services own internal records, produced manually and from its uniForm modules.

¹ 'Non-major' means all 'minor' development and also householder development and development involving a change of use which fall within the 'other' development category.

² 'In-time' means determined within an extended period of time beyond the normal 8 week target period that has been agreed, in writing, by the applicant.