

## REPORT TO PLANNING COMMITTEE

### MID-YEAR DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2017/2018

#### **Purpose of the report**

To provide members with a mid-year report on the performance recorded for Development Management between 1<sup>st</sup> April 2017 and 30<sup>th</sup> September 2017. Figures for 2015/16 and 2016/17 are also provided for comparison as are targets set within the relevant Planning Service Plan.

#### **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 2017/18.**

**(c) That the next 'Development Management Performance Report' be submitted to Committee around June 2018 reporting on performance for the complete year 2017/18.**

#### **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, 2015/16, 2016/17 and 2017/18:** Contains quarterly and annual figures for the national and 'local' Performance Indicators applicable during 2017/18 (comparative figures for 2015/16 and 2016/17 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 15<sup>th</sup> August 2017 which reported on the performance achieved in 2016/17, and discussed appropriate targets.

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 those which relate to whether planning applications are being determined "in time", and any indicators failing to meet the set targets are reported by exception.

### 3. The performance achieved:

7 indicators are included in the Planning and Development Service Plan for 2017/18. These are referred to in the commentaries below. It is currently predicted that the target set is likely to be met in four cases.

#### ***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) 85% of 'Non-major' applications determined 'in time'***

***(see the definitions set out at the end of this report)***

The Government does not set "targets" for the speed of determination of applications. Instead it has a system of designation of poorly performing planning authorities – two of the four current criteria for designation are thresholds relating to the speed of determination of Major and Non-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 November 2016 the Government announced that a threshold on Major decisions made within the statutory determination period, or such extended period as has been agreed in writing with the applicant, of 60% for the assessment period between October 2015 and September 2017.

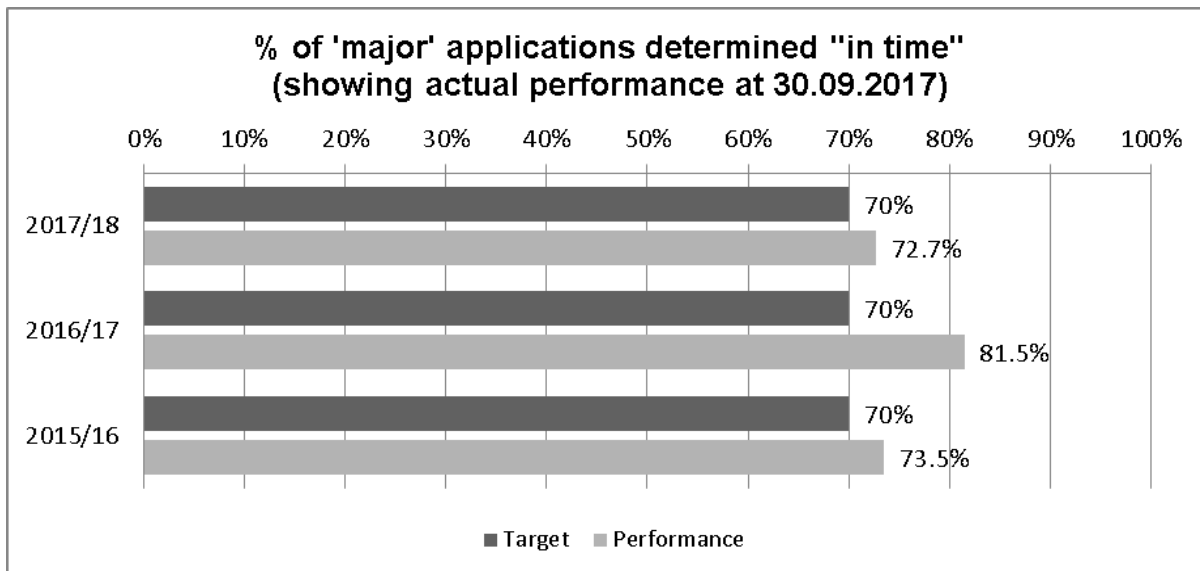
For applications for Non-Major development a threshold of less than 70% of an authority's decisions made within the statutory determination period, or such extended period as has been agreed in writing with the applicant, has been set (measuring the period between October 2015 and September 2017).

The period referred to in this report – between April 2017 and September 2017 accordingly falls within both of the above assessment periods.

The other designation criterion measures the quality of decision making as demonstrated by appeal performance and the Council's performance in this respect will be addressed in the Annual Appeals Performance Report which will be taken to Planning Committee around June 2018 (the annual appeals performance for the year 2016/17 was reported to Planning Committee on 15<sup>th</sup> August 2017).

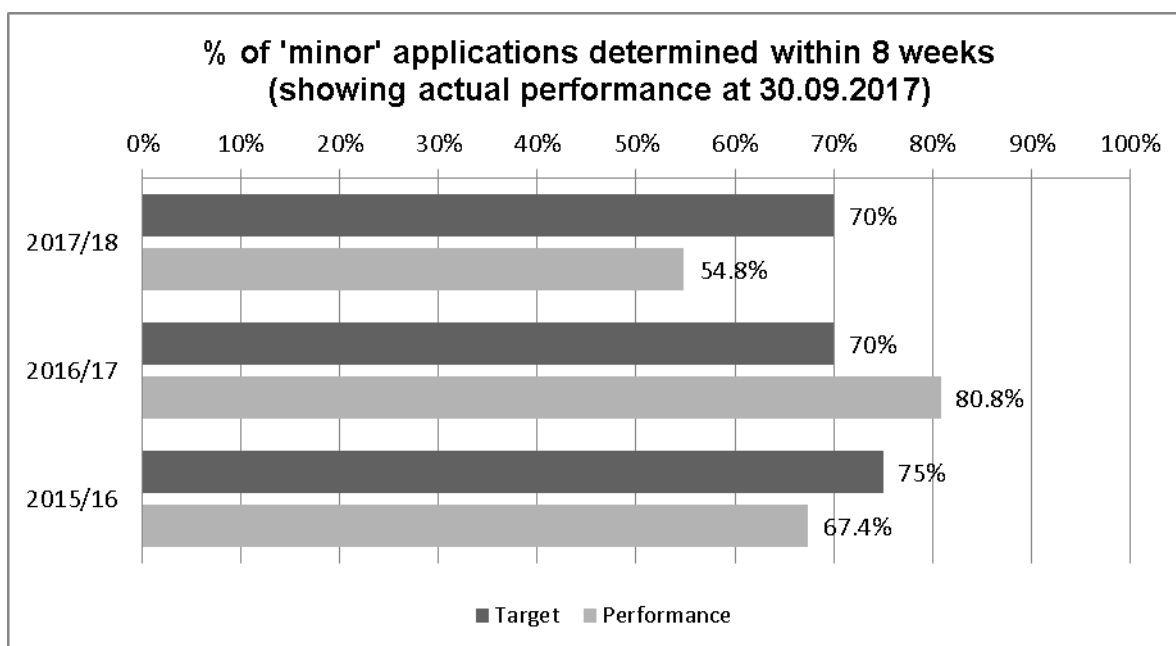
Regardless of any such targets, the Council is required to determine applications in a timely manner and in the case of each application there is a date after which an appeal can be lodged against the Council's failure to determine it. That date can be extended by agreement with an applicant, but delays 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 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 2016/17 we determined 81.5% "in time" against the 'local' target of 70% (22 out of 27). Performance for the first half of 2017/18 was 72.7% (16 out of 22) reflecting a continued focus by the Service on the obtaining of agreements by applicants to extend the determination period. 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 2017/18 LIKELY TO BE ACHIEVED**

(2) During 2016/17 80.8% of 'Minor' applications were determined within 8 weeks against the 'local' target of 70% (173 out of 214). Performance for the first half of 2017/18 is significantly down on last year's performance at 54.8% (57 out of 104) against the 'local' target of 70%.



Performance for the first half of the year has been affected by a period of reduced officer resources following the departure of a Planning Officer, in early March. Additional temporary resources were secured for a period of 5 weeks which has limited the impact but has not prevented a decline in performance against this indicator.

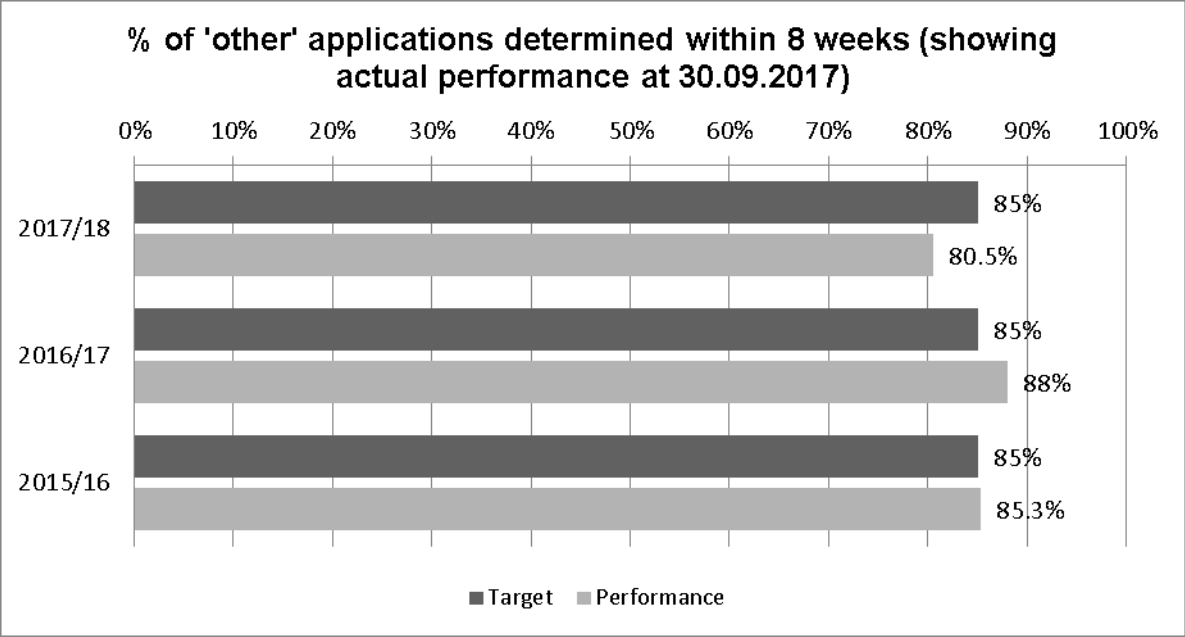
A Trainee Planning Officer has been recruited, who started in July, and has taken on a full caseload of work (largely in the 'Other' applications category). The Officer is however undertaking training out of the office one day a week during term time so is not working full time.

There remains a certain level of backlog of undetermined applications which will impact on performance against this indicator. A further factor that is impacting on our ability to determine Minor applications in 8 weeks is the change in policy agreed by Cabinet earlier this year that means that contributions to public open space improvement and maintenance are required for Minor dwellings proposals (under 10 units) as well as for Major dwellings proposals. The securing of such a contribution requires the applicant to enter into a planning obligation before planning permission can be issued which takes time and delays the

issuing of the decision notice. To limit this delay a model unilateral undertaking has now been agreed. It, however, remains extremely challenging to secure the required obligation and issue a decision within 8 weeks. As Minor dwellings applications amount to about 50% of the total of Minor applications the need to secure public open space contributions through planning obligations before planning permission can be issued is having and will continue to have a significant impact on performance. Therefore based upon the performance up to the end of September and the challenges ahead it is currently predicted that the 70% target will not be met.

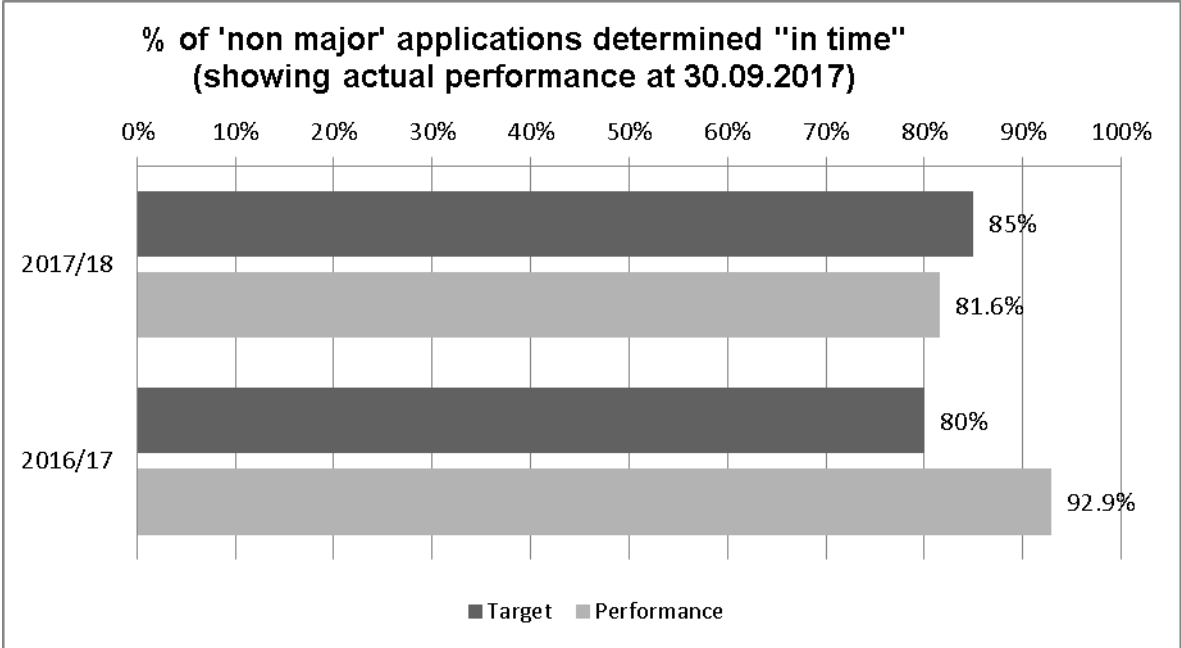
**TARGET FOR 2017/18 UNLIKELY TO BE ACHIEVED**

(3) During 2016/17 88% of 'Other' applications were determined within 8 weeks (338 out of 384). Performance for the first half of 2017/18 was 80.5% (177 out of 220) compared with the 'local' target of 85%. Notwithstanding that we are currently below target we remain optimistic and the prediction for the year is that the target will be achieved.



**TARGET FOR 2017/18 LIKELY TO BE ACHIEVED**

(4) This target relating to 'non-major' applications determined 'in-time' was introduced in 2016/17. Performance for the first half of 2017/18 was 81.6% (218 out of 267) against the 'local' target of 85%. Notwithstanding that we are currently below target the prediction for the year is that the target will be achieved.



**TARGET FOR 2017/18 LIKELY TO BE ACHIEVED**

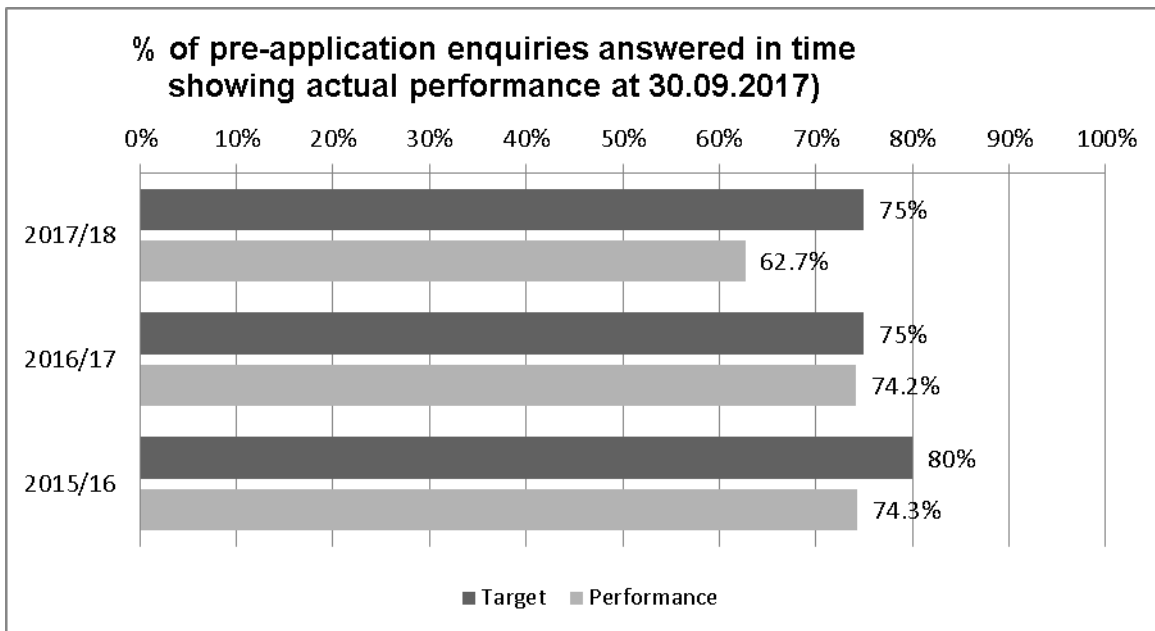
In conclusion the current prediction is that three of the four targets relating to the speed of determination of applications are likely to be achieved.

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**INDICATOR - Percentage of pre-application enquiries answered in time**

This indicator allows for more time for enquiries concerning the more significant proposals, and so to some degree 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.

During 2016/17 74.2% of pre-application enquiries were answered 'in time'. Performance for the first half of 2017/18 was 62.7% (136 out of 217) against the 'local' target of 75%. On the basis of performance for the first half of the year the prediction for the year is that the target will not be achieved.

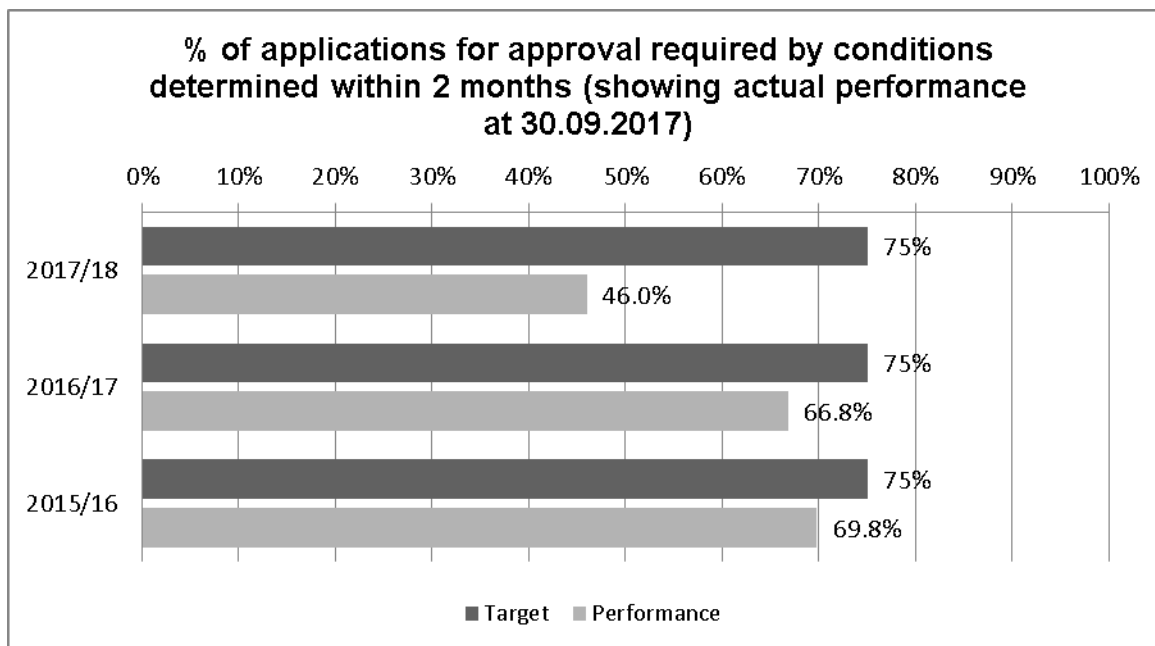


**TARGET FOR 2017/18 UNLIKELY TO BE ACHIEVED**

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**INDICATOR - Percentage of applications for approvals required by conditions determined within 2 months**

The figure for 2016/17 was 66.8%. The figure so far this year is 46% (72 out of 156). The target for 2017/18 is 75%.



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 sought 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. The Government's response to that consultation was published in December 2016 which concluded that it will be necessary for the local authority to seek the agreement of the developer to pre-commencement conditions. They have also decided to expressly prohibit six conditions through secondary legislation. The necessary changes in legislation to effect such changes has not yet been put in place, however.

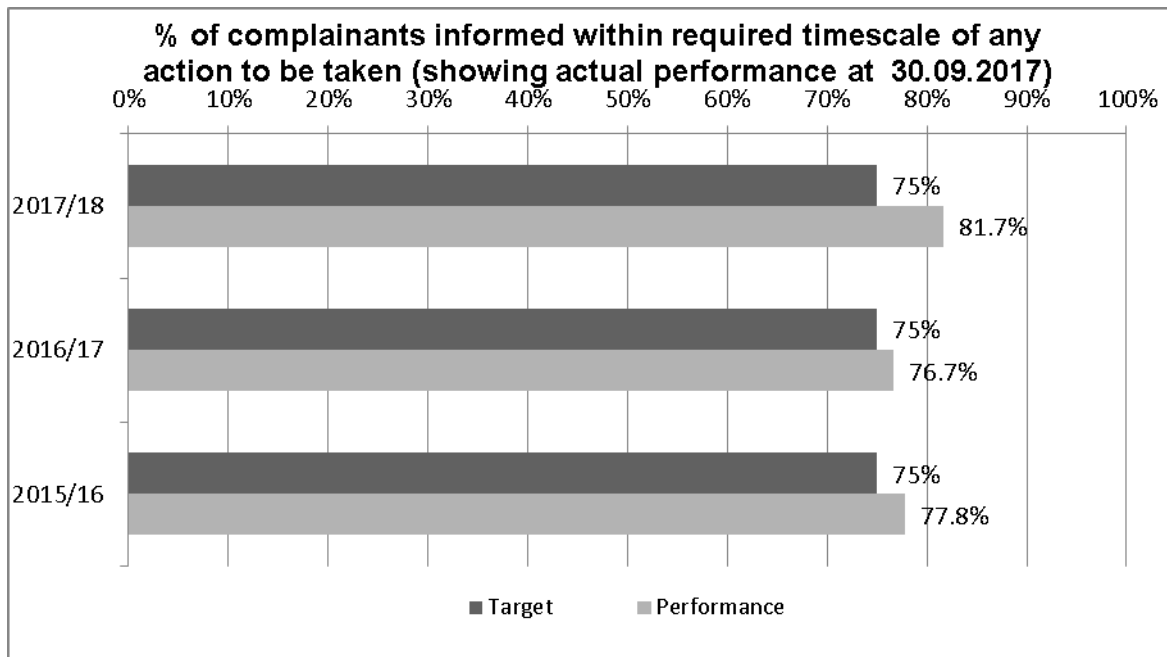
As with the Government, your Officer is keen to ensure that the handling of conditions application does not hinder or delay development, however, whilst continued emphasis has been placed on performance relating to the determination of conditions applications the target is not being achieved. This is concerning and is no doubt a reflection of the resourcing issues that the Section has faced this year, but it also should be recognised that to some extent this performance is a reflection of the inadequacy of the information submitted and the need for further time to be given to enable amendments or additional information to be provided so that the requirements of the conditions are 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 2017/18 UNLIKELY TO BE ACHIEVED**

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

Performance in 2016/17 was 76.7%. The very commendable performance so far this year is 81.7%. The target for 2017/18 is 75%.



**TARGET FOR 2017/18 LIKELY TO BE ACHIEVED**

**Definitions**

‘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.

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

‘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.

**Date report prepared:**

23<sup>rd</sup> November 2017

**Source of information/background papers**

- **General Development Control Returns PS1 and PS2 for 2015/16 – 2017/18**
- **Planning Services own internal records, produced manually and from its uniForm modules.**