

REPORT TO PLANNING COMMITTEE

DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2017/2018

Purpose of the report

To provide members with an end of year report on the performance recorded for Development Management between 1st April 2017 and 31st March 2018. Figures for 2015/16 and 2016/17 are also provided, as are the targets set out within the 2017/18 Planning and Development Service Plan, and performance targets adopted for 2018/19.

Recommendations

- (a) That the report be received**
- (b) That the Head of the Planning with the Development Management Team Manager 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 2018/19 Planning and Development Service Plan**
- (c) That the 'Mid-Year Development Management Performance Report 2018/19' be submitted to the Committee around November/December 2018 reporting on performance achieved for the first half of 2018/19 in relation to these targets, including the 7 indicators considered below.**

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 the Development Management. 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: PERFORMANCE INDICATORS FOR DEVELOPMENT MANAGEMENT 2015/16, 2016/17, and 2017/18: Contains quarterly and annual figures for the Performance Indicators applicable during 2017/18 (comparative figures for 2015/16 and 2016/17 are also shown).

This report provides a commentary on the performance achieved against the 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 6th December 2017 which reported on the mid-year performance figures and gave predictions on whether the targets for 2017/18 set in the 2017/18 Planning & Development Service Plan would be likely to be achieved.

Cabinet receives a Quarterly Financial and Performance Management report on a series of performance indicators including currently the three below which relate to the speed of determination of planning applications, and any indicators failing to meet the set targets are reported by exception. A report on performance across the Planning Service is due to be considered by the Economy, Environment and Place Scrutiny Committee at its meeting on the 4th July.

3. The performance achieved in relation to the targets for 2017/18, and the targets for 2018/19:

7 indicators, all measuring speed of performance, were included in the 2017/18 Planning and Development Service Plan relating to Development Management. These are referred to in the commentaries below. Members will note that

out of these 7 performance indicators, the target set by the Council for itself has been met in 2017/18 in only 2 cases, and has not been achieved in the other 5.

In consultation with the Planning Portfolio holder there has been a review of the Service's targets and it has been agreed that in all but two of the indicators the target will remain unchanged for 2018/19. The change that has been agreed will be set out below.

INDICATOR Percentage of applications determined within the following timescales:-

- (1) % of 'Major' applications¹ determined 'in time'**
- (2) % of 'Minor' applications² determined within 8 weeks**
- (3) % of 'Other' applications³ determined within 8 weeks**
- (4) % of 'Non-major' applications⁴ determined 'in time'⁵**

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% or less for the assessment period between October 2015 and September 2017.

For applications for Non-Major development a threshold of 70% or less 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 thresholds for designation in 2019 have not yet been announced. The government have stated in general terms that they intend to raise the thresholds for designation year by year.

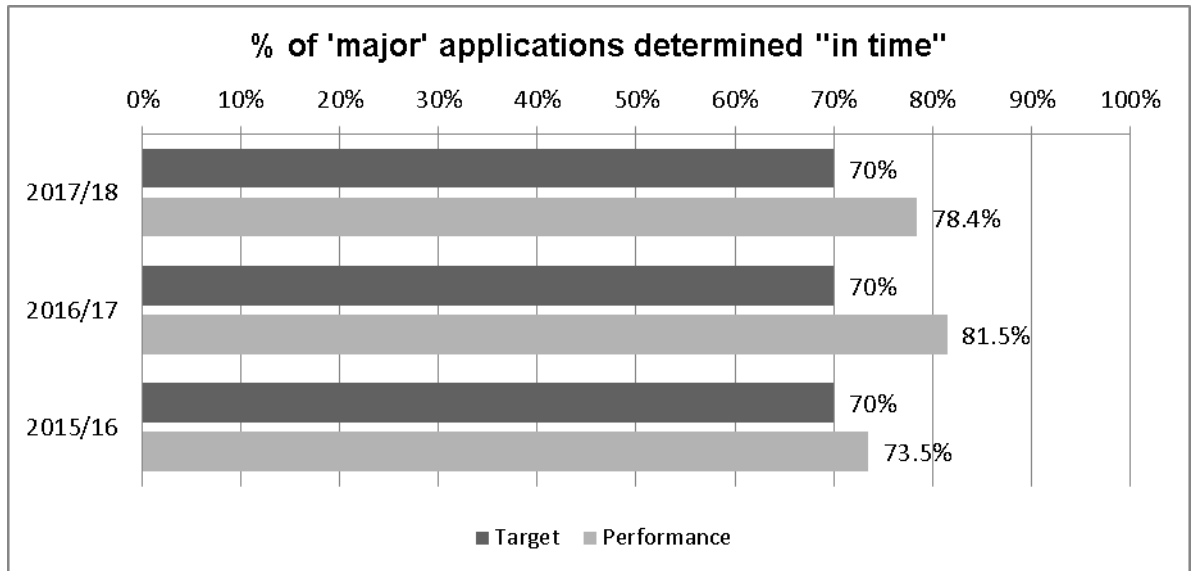
The period referred to in this report – between April 2017 and March 2018 accordingly falls in part within the October 2015 to September 2017 assessment period.

Members may wish to note that with respect to Majors our performance, for the two year period ending March 2018 was 79.7% (against the national designation threshold of 60%), the Council being ranked 275th out of the 339 District Planning Authorities in England. In respect of Non-majors, for the same period, the performance was 85.4%, (against the national designation threshold of 70%) the Council being ranked 237th.

The other designation criteria measure the quality of decision making as demonstrated by appeal performance (again for Majors and Non-Majors) and the Council's performance in this respect is addressed in the Annual Appeals Performance Report which will be brought to a future Committee.

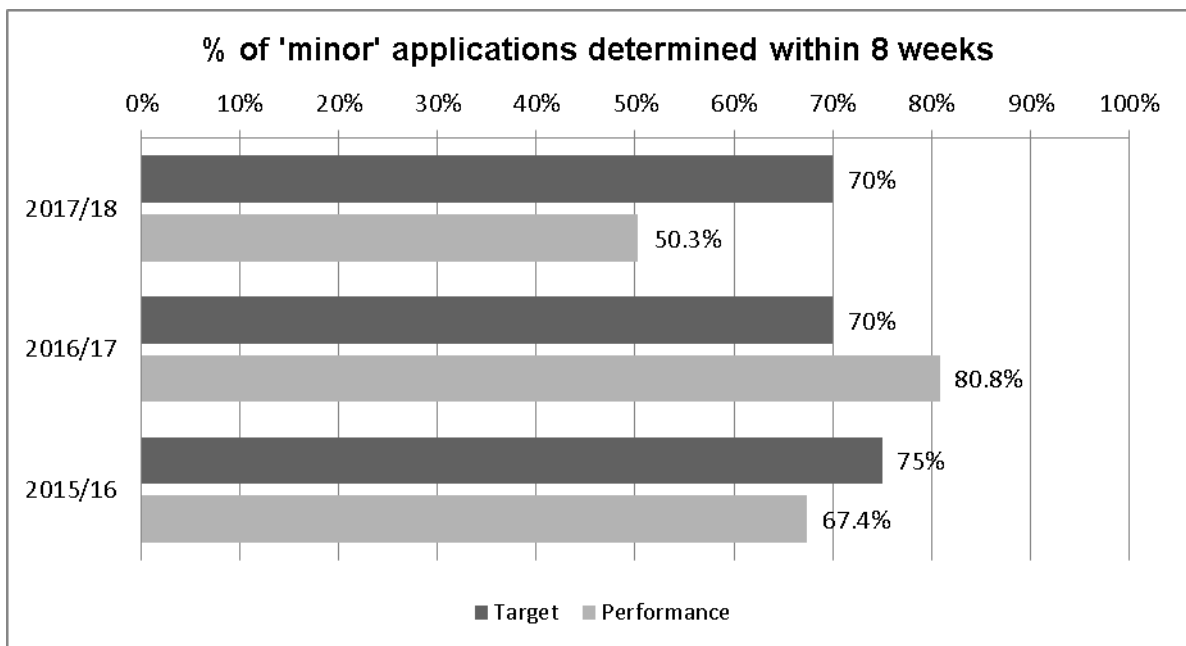
Regardless of any such targets, the Council is required to determine applications in a timely manner and in the case of each application there is a date after which an appeal can be lodged against the Council's failure to determine it. That date can be extended by agreement with an applicant, but delays 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' applications¹ during 2017/18 we determined 78.4% of 37 such applications "in time"⁵ against a target of 70%. This is a notable increase in number of such applications when compared to the 27 that were determined in the previous year. Comparison with performance in previous years is indicated below. It has been agreed that this target will increase to 72.5% for the year 2018/19, maintaining some headroom above the expected increase in the 60% designation threshold referred to above.



TARGET ACHIEVED

(2) During 2017/18 50.3% of the 197 'Minor' applications² were determined within 8 weeks against the 'local' target of 70%. Comparison with performance in previous years is indicated below. 214 minor applications were determined last year.



TARGET NOT ACHIEVED

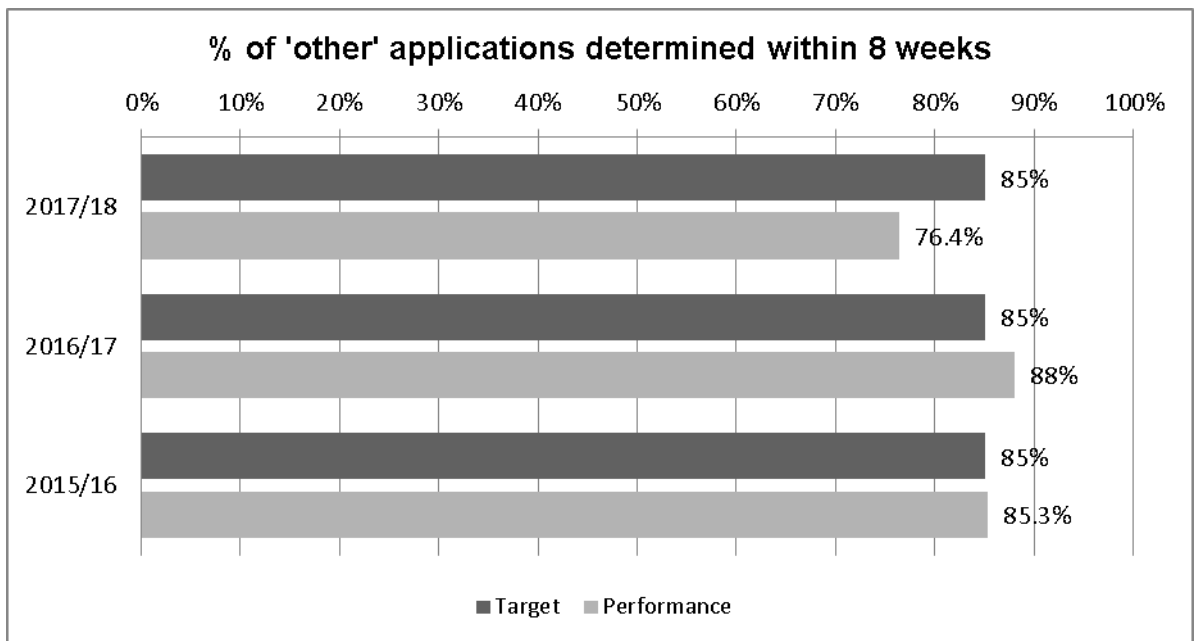
Performance on Minor applications² fell significantly below the target, as was predicted in the mid-year performance report. As indicated in that mid-year report a key factor that impacted upon our ability to determine Minor applications in 8 weeks is the change in policy agreed by Cabinet in March 2017 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 was agreed last year. 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 applications² 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.

In light of such difficulties this performance indicator has been amended in the 2018/19 Planning & Development Service Plan from a % of Minor applications² determined in 8 weeks to a % of such applications determined "in time"⁵ so as to align it more closely with the national designation thresholds. The target has been set at 77.5%.

Members should note that this target still remains exceedingly challenging. Difficulties are being experienced in obtaining agreements to extend the determination period as in some cases they are requested too late, and even when requested in sufficient time the applicant does not always confirm in writing their agreement in time even when they are content to allow more time. In addition in some cases, but not in many, the applicant is not prepared to agree to extend the determination period. The process of securing such agreements where required is time consuming particularly where the applicant does not promptly respond and where follow up calls/correspondence is then required and this is taking officer resources away from other areas of their work.

Recent experience has been reflected upon, however, and a procedure has been put in place to improve the likelihood of securing agreement to extend the determination date of an application in addition to the procedures in place to speed up the process of securing a completed planning obligation where required. Hopefully performance will improve as a consequence.

(3) During 2017/18 76.4% of the 402 'Other' applications³ were determined within 8 weeks. 374 were determined last year. The target was 85%. Comparison with performance in previous years is indicated below.

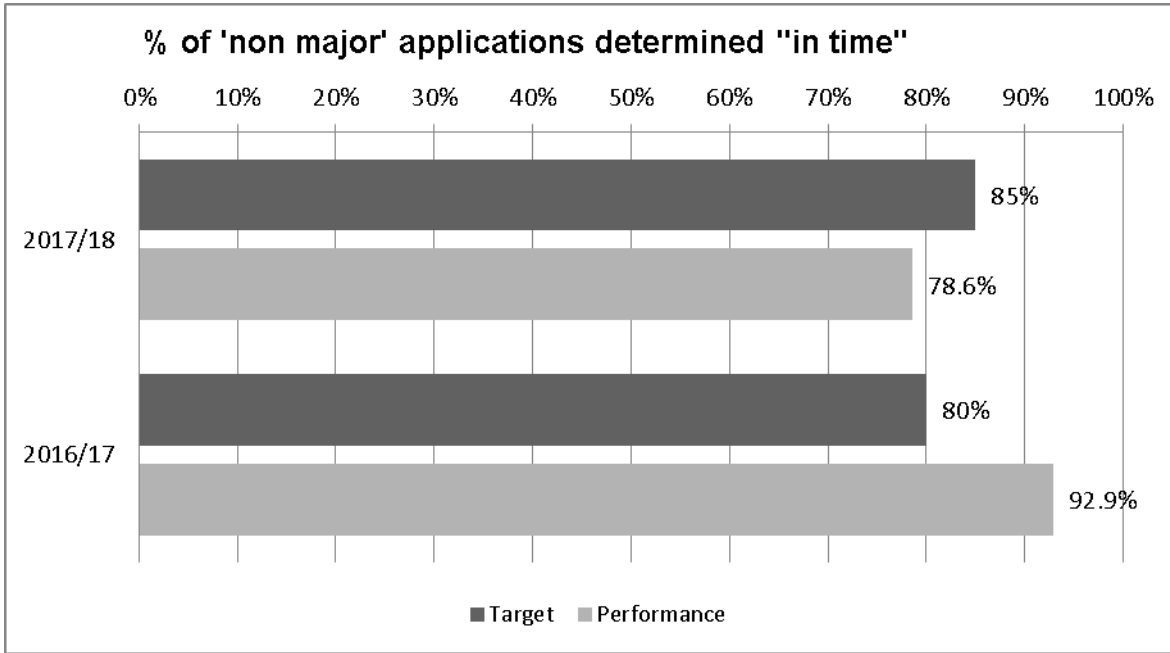


TARGET NOT ACHIEVED

Within the mid-year performance report it was predicted that this target was likely to be achieved even though at that time performance was below target. It is now apparent that such optimism was not justified as performance by the end of the year dropped even further below that at the mid-year point.

The performance against this indicator is very disappointing, particularly when compared to previous years, and the reasons for this have proved difficult to identify, although staff resourcing issues that have been experienced during the year and the increase in the number of such applications will be factors.

(4) During 2017/18 78.6% of the 546 decisions 'non-major' applications⁴ were made 'in-time'⁵. Comparison with the performance achieved in 2016/17 is indicated below – 496 were determined in 2016/17. The 'local' target for this indicator for the year 2017/18 was 85%. It has been agreed that despite the falling short this year, for the year 2018/19 the target will remain unchanged, maintaining some headroom above the expected increase in the current 70% designation threshold referred to above.

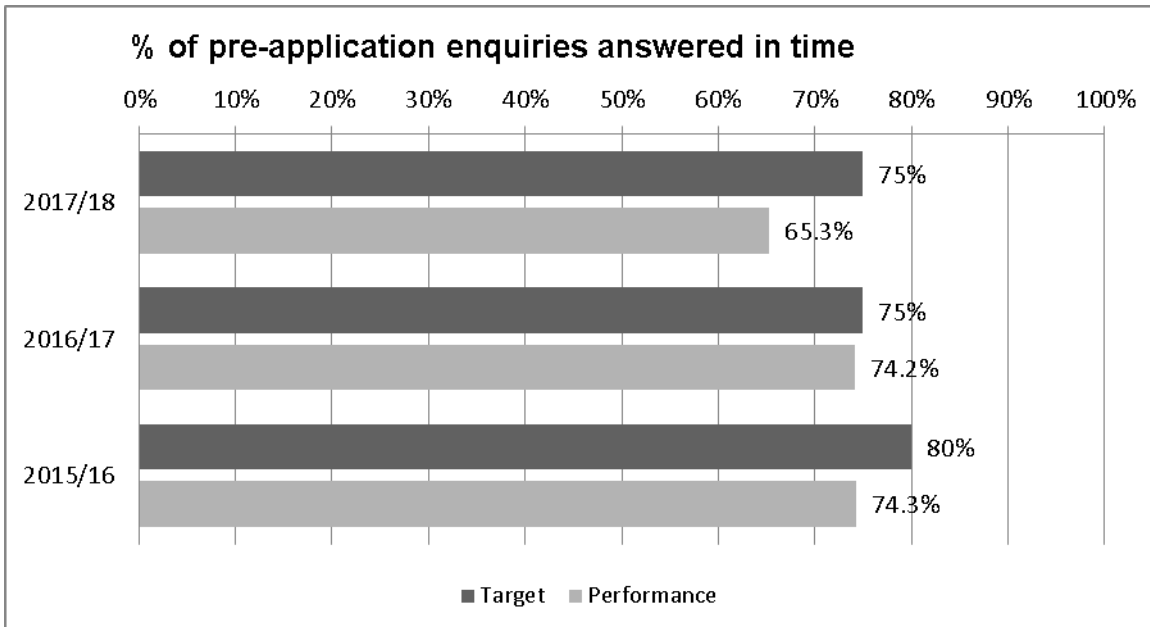


TARGET NOT ACHIEVED

In conclusion only one of the four targets relating to speed of determination of applications was met.

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

During 2018/19 65.3% of the 392 pre-application enquiries were answered 'in time'. The target was 75%, and will remain unchanged for 2018/19. Comparison with performance in previous years is indicated below.



TARGET NOT ACHIEVED

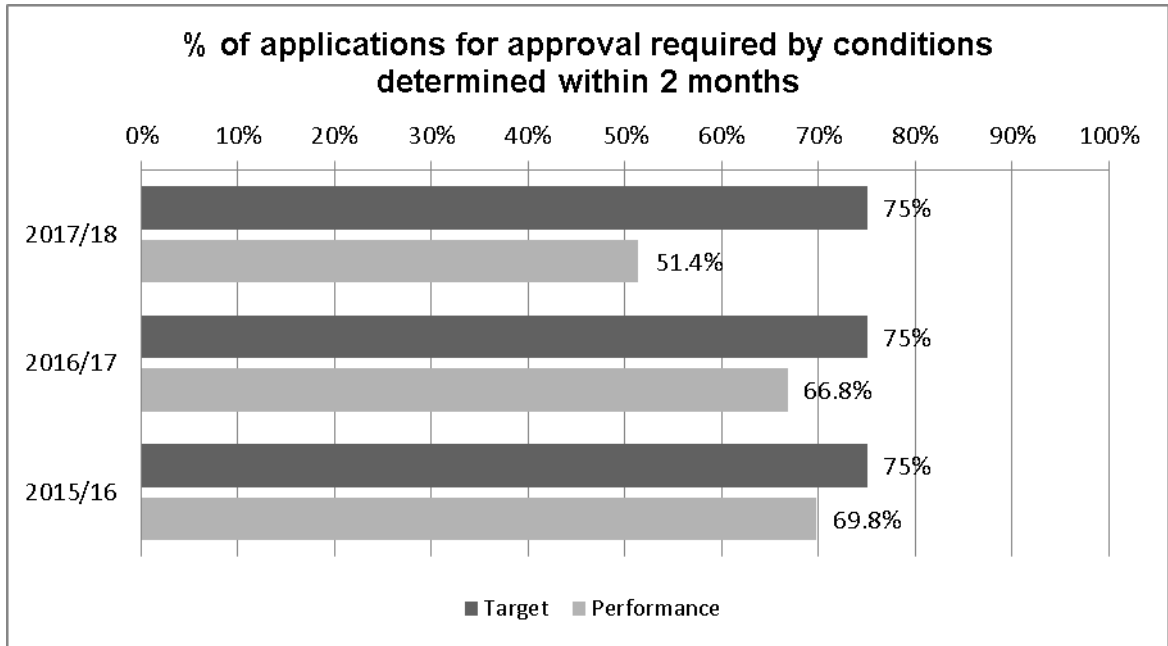
This indicator allows for more time for enquiries concerning the more significant proposals, and so more accurately reflects the differing demands which various pre-application enquiries involve. For 'Major' pre-application enquiries the target response time is 35 calendar days, for 'Minor' pre-application 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, and clarification continues to be provided to officers on this aspect.

To give Members some idea of volume the Service received some 406 such enquiries in 2017/18, of which 34 were 'Major' pre-application enquiries; 135 were 'Minor' pre-application enquiries; and 237 were 'Other' pre-application enquiries. The comparative figures for 2017/18, when better performance was achieved, was 596 of which 30 were 'Major' pre-application enquiries; 175 were 'Minor' pre-application enquiries; and 391 were 'Other' pre-application enquiries.

Members are reminded that since 1st April 2017 all pre-application enquiries including those by householders are subject to the payment of a fee and it is likely that this has been a factor in the reduction in the number of "Other" enquiries in 2017/18 compared to 2016/17.

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

During 2017/18 51.4% of conditions applications (181 out of 352) were determined within 2 months against a target of 75%. Comparison with performance in previous years is indicated below. In the year 2016/17 458 such applications were determined.



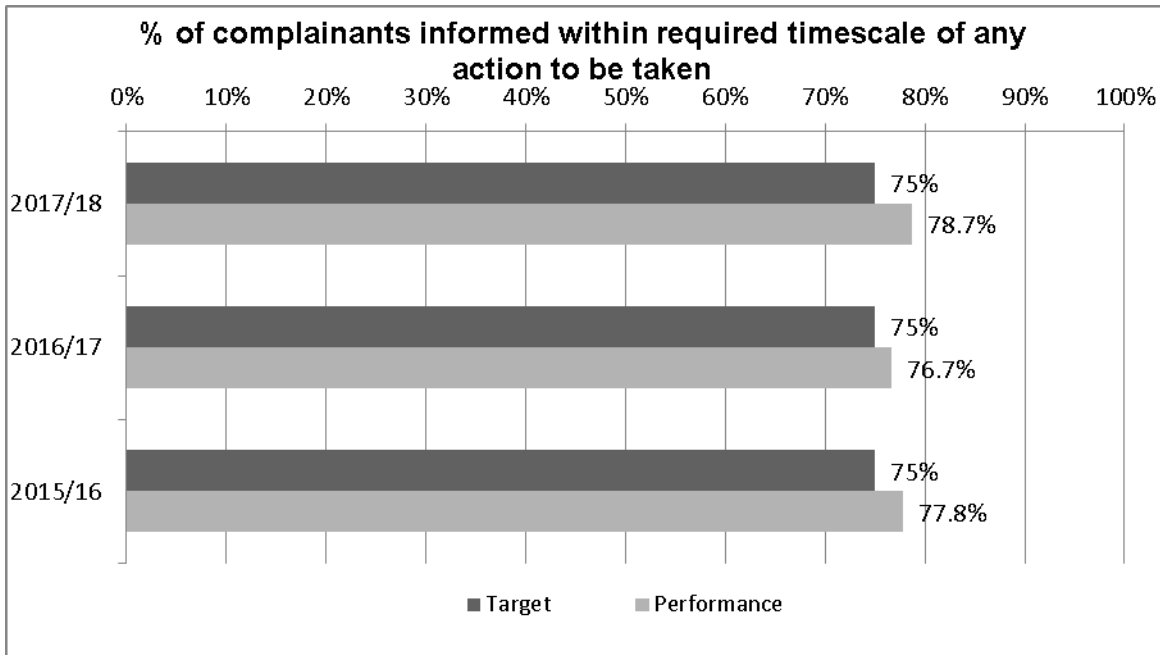
TARGET NOT ACHIEVED

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. Guidance has been provided on the use of planning conditions and a deemed discharge procedure introduced that a developer can invoke if they do not receive a decision in time. The Government having consulted have concluded that it will be necessary for the local authority to seek the agreement of the developer to pre-commencement conditions – an additional burden upon Local Planning Authorities which will need to be managed. The relevant Regulations have now been approved and will come into force on 1st October 2018.

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 has not achieved and indeed performance in 2017/18 has been particularly disappointing.. 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. Notwithstanding that this target has again been missed the Portfolio Holder has decided that the target should remain unchanged for 2018/19, reflecting the importance of this process to the development industry.

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

Performance in 2017/18 was 78.7% compared the 'local' target of 75%. Comparison with previous years' performance is indicated below.



TARGET ACHIEVED

There was an increase in the number of new complaints received in 2017/18 (269) compared with the number in 2016/17 (219) and therefore exceeding the 75% target for the third year running is commendable. The target will remain as it is in 2018/19, the view being taken that any review of it should be part of a wider review of planning enforcement.

Date report prepared: 28th June 2018

¹ '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.

² '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.

³ '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.

⁴ 'Non-major' means all 'minor' development and also householder development and development involving a change of use which fall within the 'other' development category.

⁵ '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.