

REPORT TO PLANNING COMMITTEE

MID-YEAR DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2018/2019

Purpose of the report

To provide members with a mid-year report on the performance recorded for Development Management between 1st April 2018 and 30th September 2018. Figures for 2016/17 and 2017/18 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 2018/19.

(c) That the next 'Development Management Performance Report' be submitted to Committee around June 2019 reporting on performance for the complete year 2018/19.

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 service. 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, 2016/17, 2017/18 and 2018/19: Contains quarterly and annual figures for the Performance Indicators applicable during 2018/19 (comparative figures for 2016/17 and 2017/18 are also shown).

This report is a commentary on the local performance indicators that the Council has 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 17th July 2018 which reported on the performance achieved in 2017/18, and discussed appropriate targets.

The Council's subsequently Cabinet receives a Quarterly Financial and Performance Management report on a series of performance indicators including those which relate to whether Major and Non-Major 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 2018/19. These are referred to in the commentaries below. It is currently predicted that the target set is likely to be met in five cases.

INDICATOR - Percentage of applications determined within timescales:-

- (1) 72.5% of 'Major' applications¹ determined 'in time'²**
- (2) 77.5% of 'Minor' applications³ determined 'in time'²**
- (3) 85% of 'Other' applications⁴ determined within 8 weeks**
- (4) 85% of 'Non-major' applications⁵ determined 'in time'²**

(see footnotes 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% 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 2018 and September 2018 accordingly falls outside of the October 2015 to September 2017 assessment period, but it is reasonable to anticipate that when the designation thresholds are set for 2019 performance for this period will be taken into consideration.

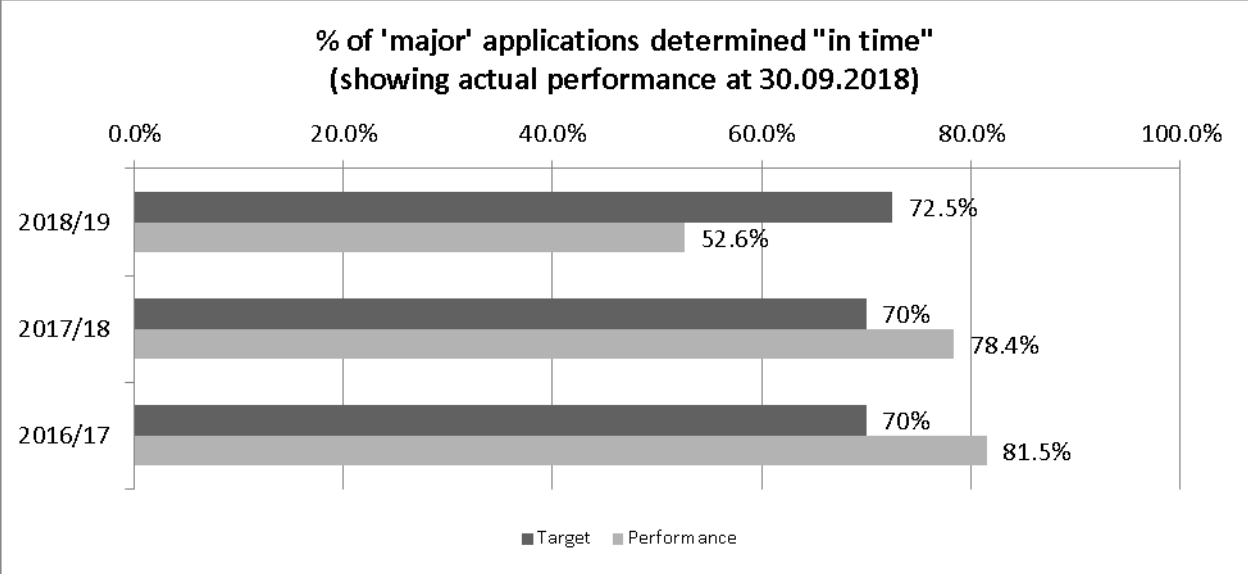
Members may wish to note that with respect to Majors our performance, for the two year period ending March 2018 was 79.7% (against the national designation threshold of 60%), the Council being ranked 275th out of the 339 District Planning Authorities in England. In respect of Non-majors, for the same 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 was reported to Planning Committee on 14th August 2018 in Annual Appeals Performance Report.

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.

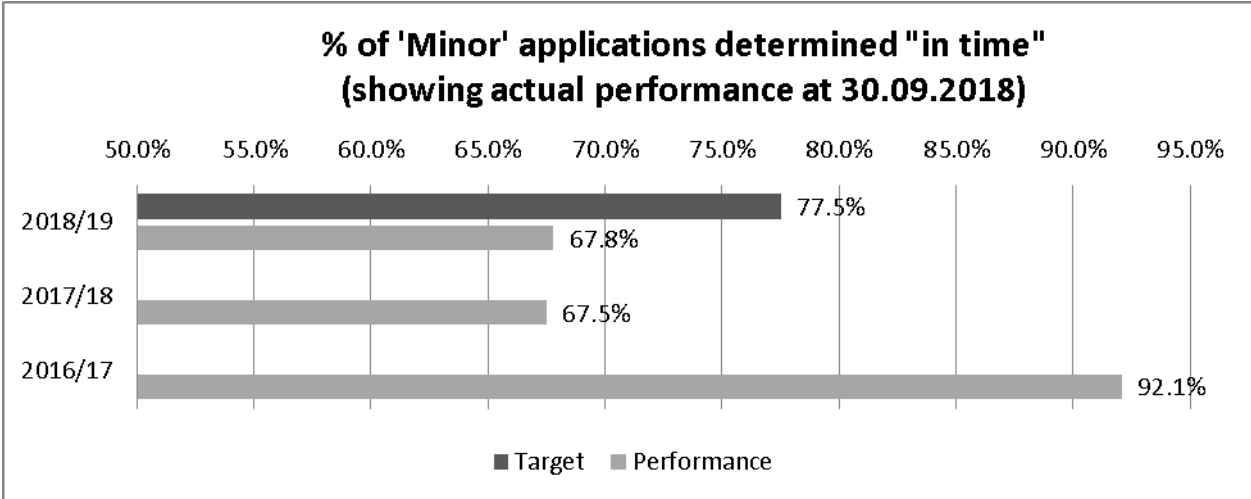
It should be noted that a further challenge to achieving the target with regard to the determination of planning applications was the introduction, on 1st October, of legislation which prevents the use of pre-commencement condition without the written agreement of the applicant. The process of securing agreement for such conditions where they can't be avoided (such as in the case of tree protection measures and contaminated land conditions) is governed by legislation and cumbersome and it will delay the issuing of decisions but it is hoped that applicant will agree to extend the determination date of the application to include time for this process.

(1) In dealing with **'Major' applications** during 2017/18 we determined 78.4% "in time"² against the 'local' target of 70% (29 out of 37). Performance for the first half of 2018/19 was 52.6% (10 out of 19) against the new target of 72.5% in time², which is below what was achieved this time last year (72.7%, 16 out of 22). There remains a continued focus by the Service on the obtaining of agreements by applicants to extend the determination period. Taking that into consideration as well as the major applications currently "in hand", and the applications that are expected to be submitted it is still predicted that the target will be met, although it will be challenging.



TARGET FOR 2018/19 LIKELY TO BE ACHIEVED

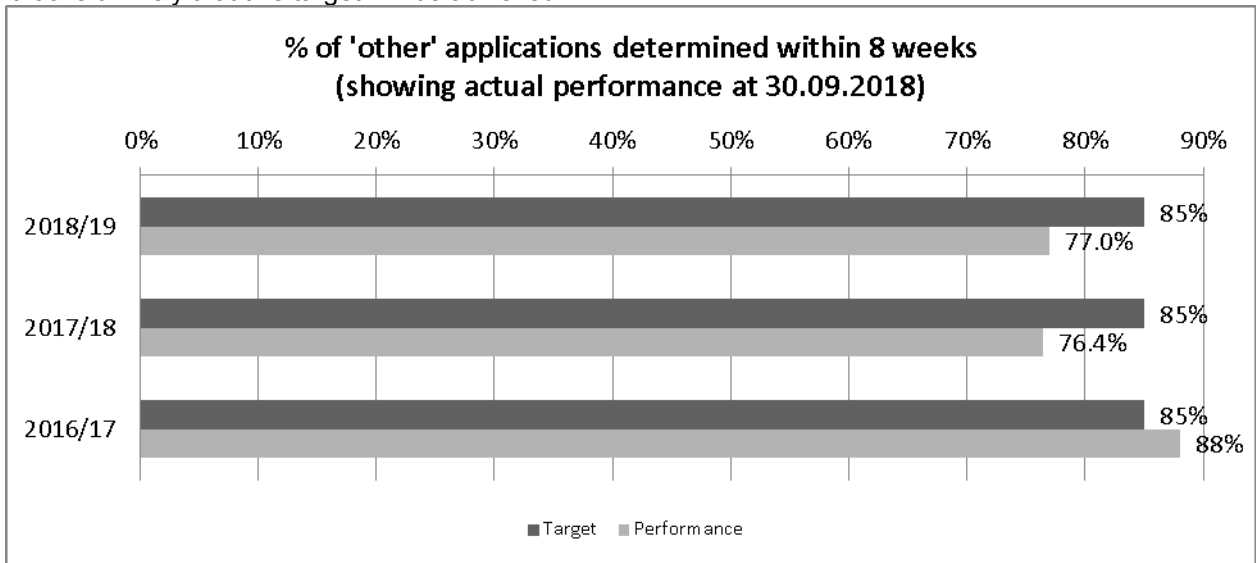
(2) During 2017/18 50.3% of **'Minor' applications**³ were determined within 8 weeks against the 'local' target of 70% (99 out of 197). In light of the difficulties that were experienced by the Service, as reported in the Annual Report on Performance, this performance indicator has been amended in the 2018/19 Planning & Development Service Plan from a % of Minor applications³ determined in 8 weeks to a % of such applications determined "in time"² so as to align it more closely with the national designation thresholds. Performance for the first half of 2018/19 is at 67.8% (61 out of 90) against the 'local' target which is now 77.5% in time²



Performance is below the target and as such achieving the target remains exceedingly challenging. Notwithstanding such challenges as the cumulative performance figure for this target has been improving month after month it is, optimistically, predicted that this target will be met.

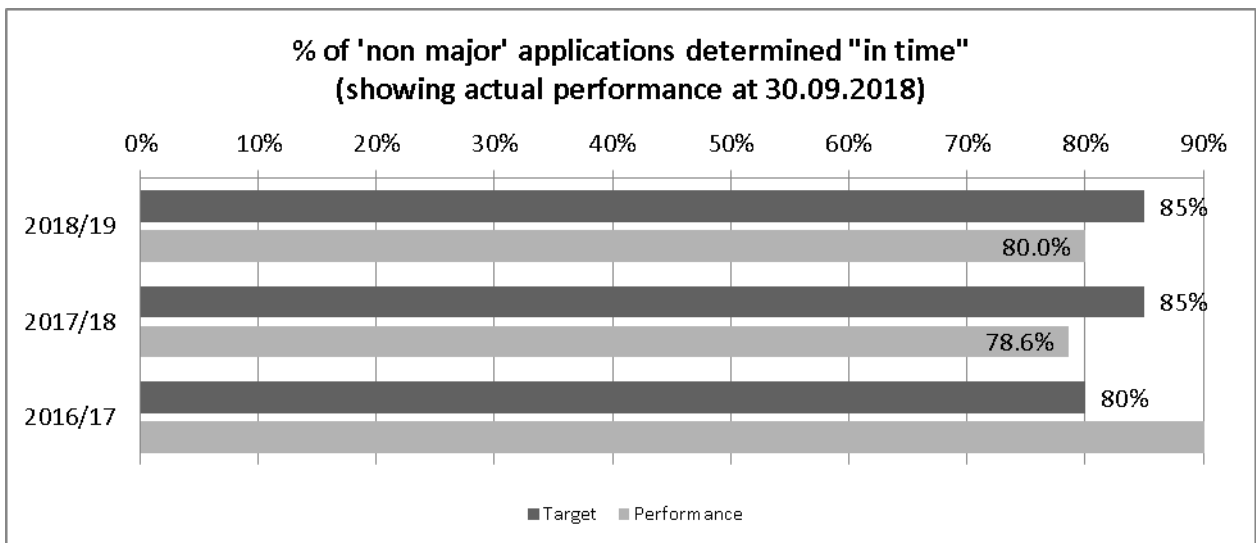
TARGET FOR 2018/19 LIKELY TO BE ACHIEVED

(3) During 2018/19 76.4% of 'Other' applications³ were determined within 8 weeks (307 out of 402). Performance for the first half of 2018/19 was 77% (147 out of 191) compared with the 'local' target of 85%. Given the implications of the pre-commencement regulations and the fixed nature of this measure, it looks unlikely that this target will be achieved.



TARGET FOR 2018/19 UNLIKELY TO BE ACHIEVED

(4) During 2018/19 78.6% of 'non-major' applications⁴ were determined 'in-time' (429 out of 546) compared with the local target of 85%. Performance for the first half of 2018/19 was 80% (110 out of 134) against the same target of 85%. Notwithstanding that we are currently below target the prediction for the year is that the target will be achieved.



TARGET FOR 2018/19 LIKELY TO BE ACHIEVED

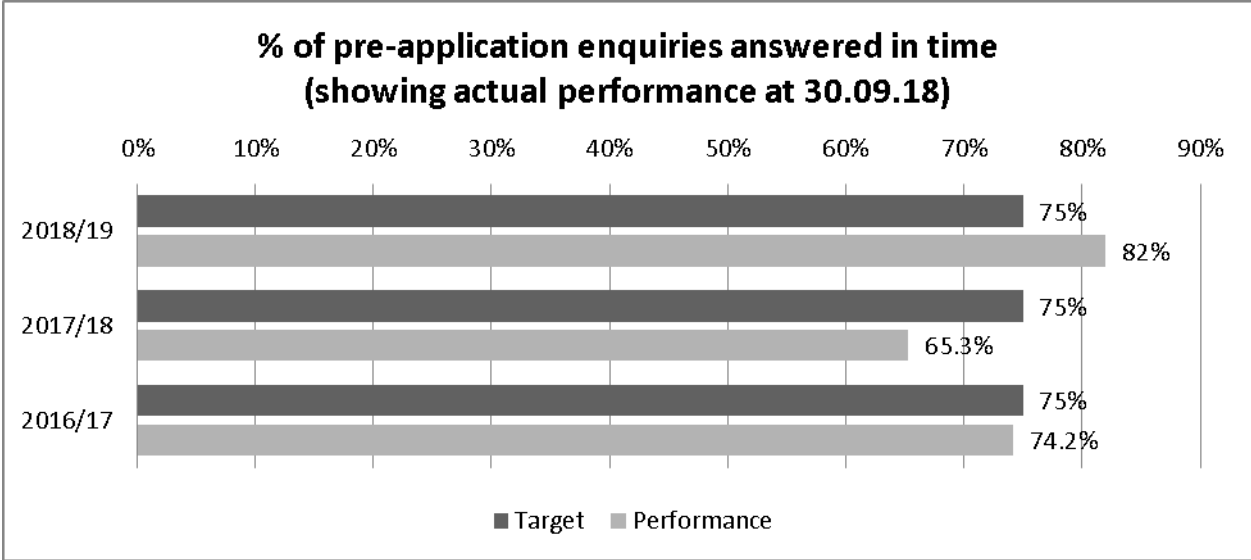
In conclusion the current prediction is that 3 of the four targets relating to the speed of determination of applications are likely to be achieved.

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.

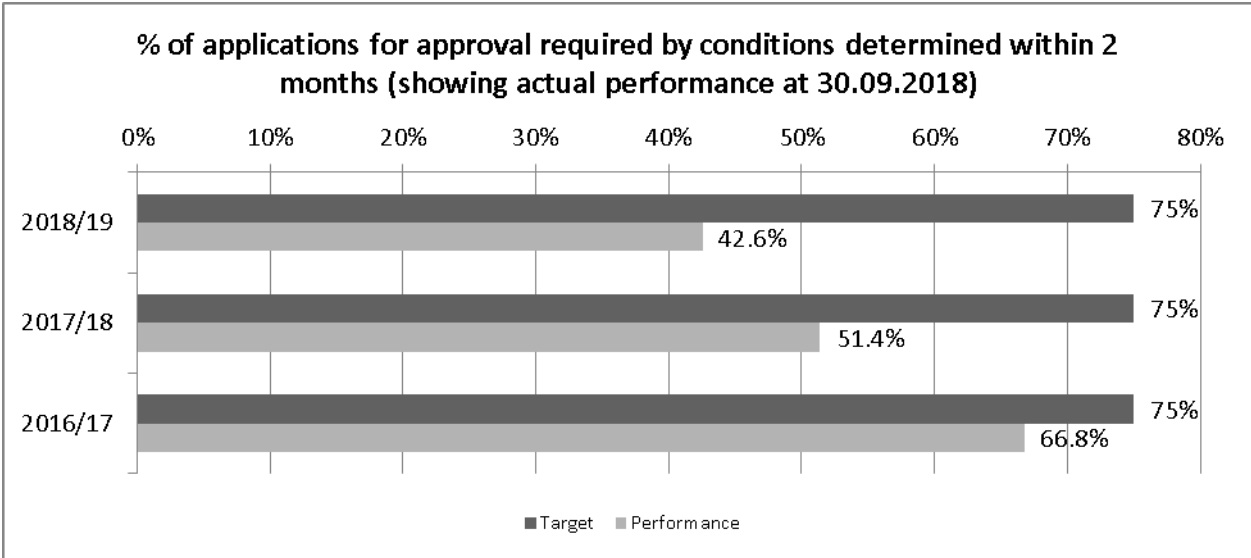
During 2017/18 65.3% of pre-application enquiries were answered 'in time'. Performance for the first half of 2018/19 was 82% (173 out of 211) against the 'local' target of 75%. On the basis of performance for the first half of the year the prediction for the year is that the target will be achieved.



TARGET FOR 2018/19 LIKELY TO BE ACHIEVED

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

The figure for 2017/18 was 51.4%. The figure so far this year is 42.6% (52 out of 122). The target for 2018/19 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. As indicated above, such changes in legislation came into effect on 1st October.

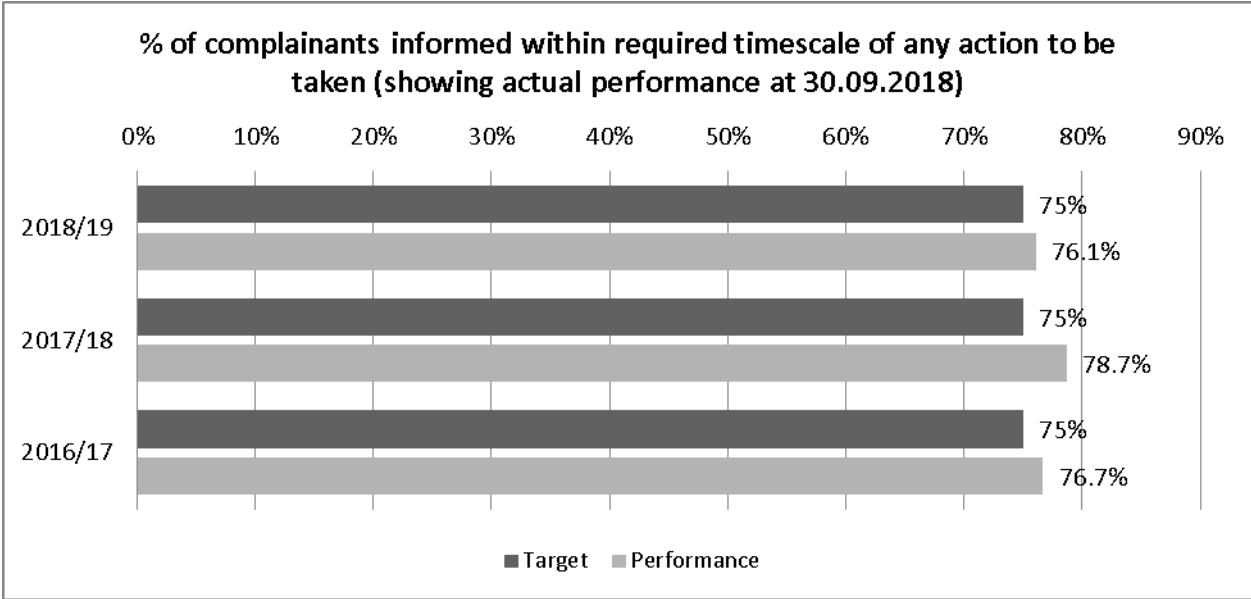
As with the Government, your Officer is keen to ensure that the handling of conditions application does not hinder or delay development, however, whilst continued emphasis has been placed on performance relating to the determination of conditions applications the target is not being achieved. This is 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 2018/19 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 2017/18 was 78.6%. The commendable performance of recent years continues with the performance so far this year being 76.1%. The target for 2018/19 is 75%.



TARGET FOR 2018/19 LIKELY TO BE ACHIEVED

Footnotes

- 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 ‘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.
- ³ ‘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.

⁴ '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.

⁵ 'Non-major' means all 'minor' development and also householder development and development involving a change of use which fall within the 'other' development category.

Date report prepared:

19th October 2018

Source of information/background papers

- **General Development Control Returns PS1 and PS2 for 2016/17 – 2018/19**
- **Planning Services own internal records, produced manually and from its uniForm modules.**