

## **REPORT TO PLANNING COMMITTEE**

### **DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2018/2019**

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

To provide members with an end of year report on the performance recorded for Development Management between 1<sup>st</sup> April 2018 and 31<sup>st</sup> March 2019. Figures for 2016/17 and 2017/18 are also provided, as are the targets set out within the 2018/19 Planning and Development Service Plan, and performance targets adopted for 2019/20.

#### **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 2019/20' be submitted to the Committee around November/December 2019 reporting on performance achieved for the first half of 2019/20 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 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 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 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 6<sup>th</sup> November 2018 which reported on the mid-year performance figures and gave predictions on whether the targets for 2018/19 set in the 2018/19 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 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 in relation to the targets for 2018/19, and the targets for 2019/20:**

7 indicators, all measuring speed of performance, were included in the 2018/19 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 2018/19 in only 1 case.

In consultation with the Planning Portfolio holder there has been a review of the Service's targets and it has been agreed that for all of the indicators the target will remain unchanged for 2019/20.

**INDICATOR Percentage of applications determined within the following timescales:-**

- (1) % of 'Major' applications<sup>1</sup> determined 'in time'<sup>2</sup>**
- (2) % of 'Minor' applications<sup>3</sup> determined 'in time'<sup>2</sup>**
- (3) % of 'Other' applications<sup>4</sup> determined within 8 weeks**
- (4) % of 'Non-major' applications<sup>5</sup> determined 'in time'<sup>2</sup>**

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 2018 the Government announced a threshold on Major decisions made within the statutory determination period (13 weeks), or such extended period as has been agreed in writing with the applicant (agreed EOT), of 60% or less for the assessment period between October 2017 and September 2019. For applications for Non-Major Development a threshold of 70% or less of an authority's decisions made within the statutory determination period (8 weeks), or agreed EOT, has been set for the same period. The thresholds were not increased from the preceding period between October 2016 and September 2018 as had been anticipated.

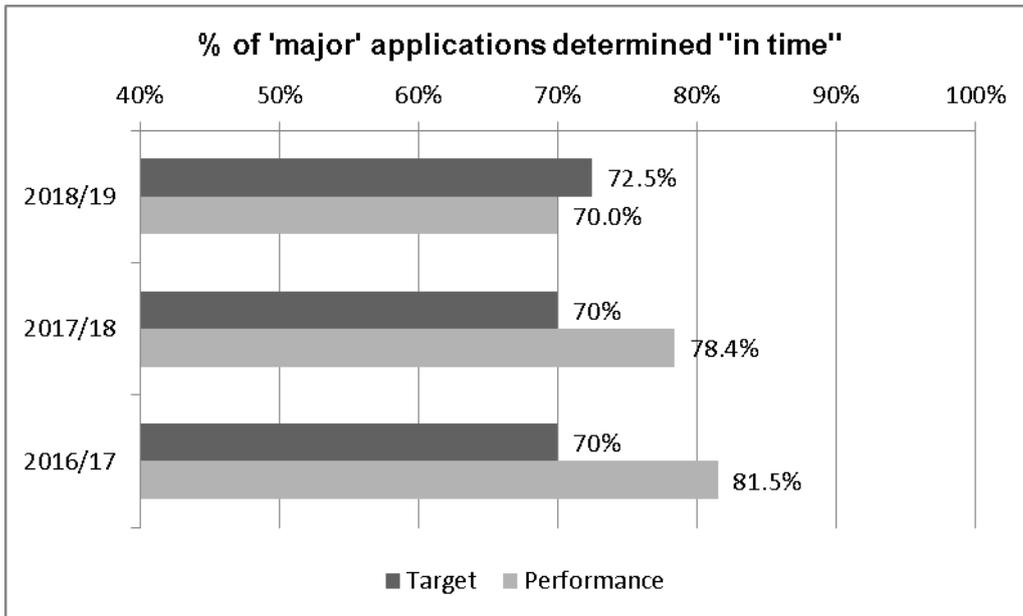
The period referred to in this report – between April 2018 and March 2019 accordingly falls within the October 2017 to September 2019 assessment period.

Members may wish to note that with respect to Majors our performance, for the two year period ending December 2018 (the latest information published by the Government) the Council are ranked 313<sup>th</sup> out of the 339 District Planning Authorities in England. In respect of Non-majors, for the same period the Council are ranked 303<sup>rd</sup>. It is anticipated that the Government will, before the meeting, publish tables regarding performance for the two year period ending March 2019 and if that is the case further information will be provided.

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 on this agenda.

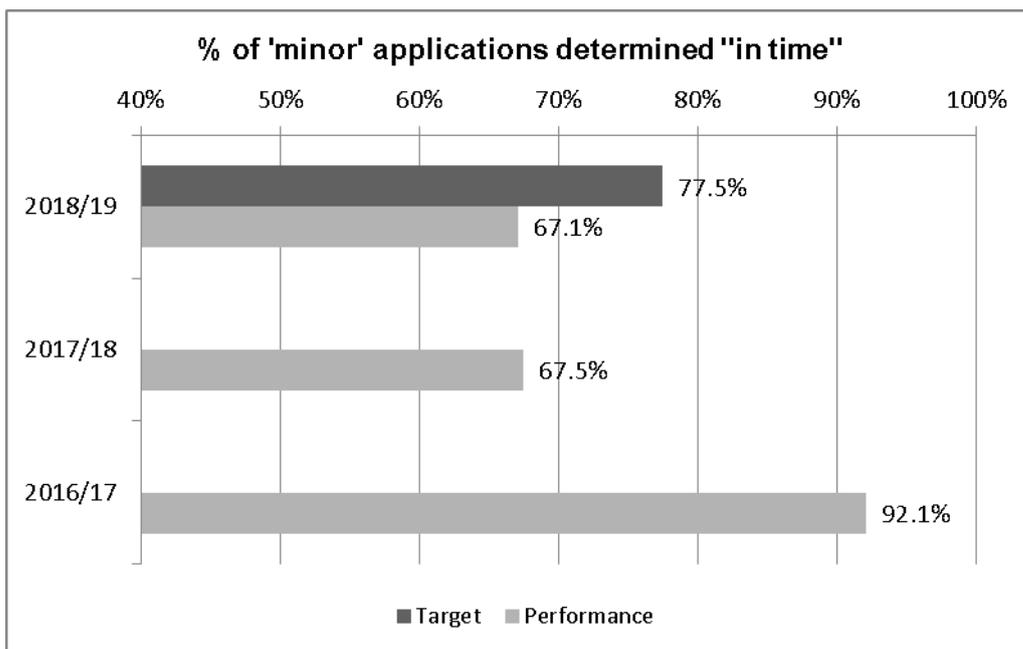
Regardless of any such targets, the Council is required to determine applications in a timely manner and in the case of each application there is a date after which an appeal can be lodged against the Council's failure to determine it. That date can be extended by agreement with an applicant, but delays 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<sup>1</sup> during 2018/19 we determined 70% (21 out of 30) of such applications "in time"<sup>2</sup> against a target of 72.5%. Comparison with performance in previous years is indicated below. It can be noted that the performance in respect of the determination of such applications has dropped somewhat when compared to the previous year despite there being a decrease in number of such applications (37 determined during 2017/18).



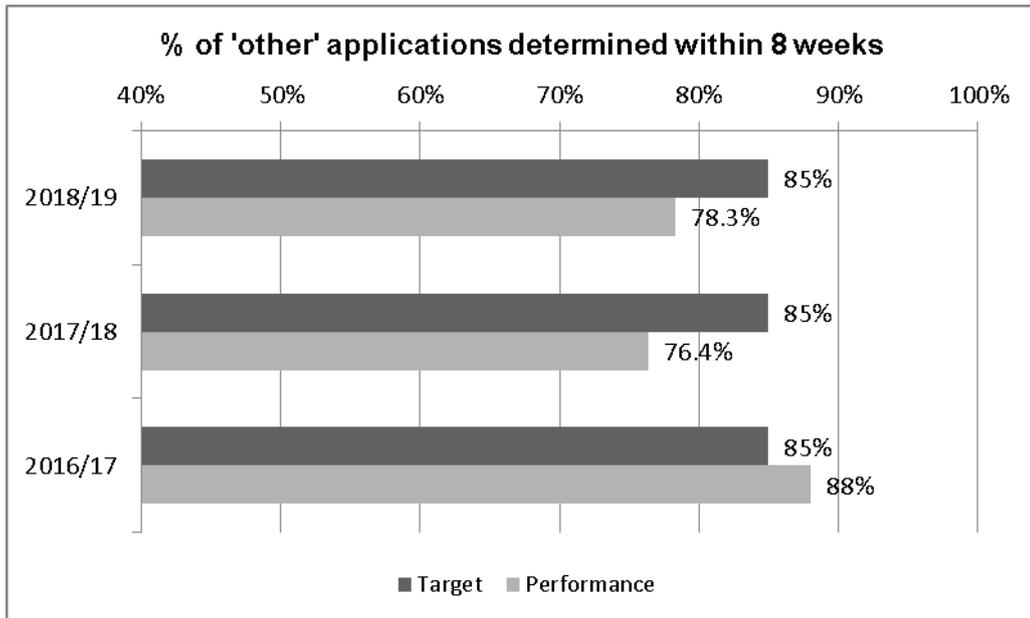
**TARGET NOT ACHIEVED**

(2) During 2018/19 67.1% of the 210 'Minor' applications<sup>3</sup> were determined within 8 weeks against the 'local' target of 77.5%. Comparison with performance in previous years is indicated below. 197 minor applications were determined last year.



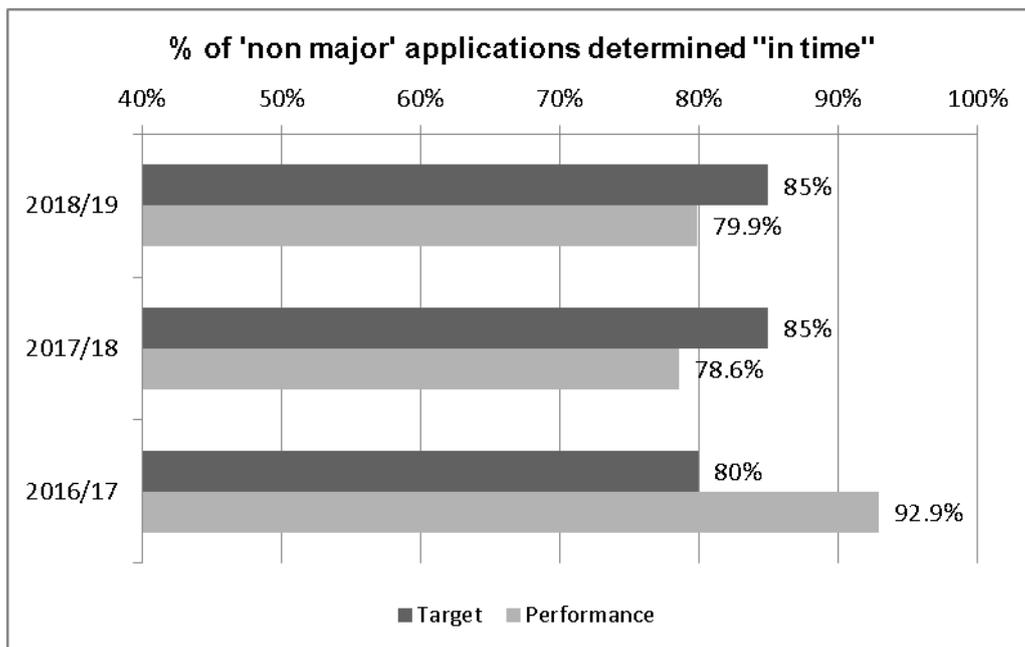
**TARGET NOT ACHIEVED**

(3) During 2018/19 78.3% of the 346 'Other' applications<sup>4</sup> were determined within 8 weeks. 374 were determined last year. The target was 85%. Comparison with performance in previous years is indicated below and it is noted that performance showed a marginal improvement compared to last year although it should also be noted that considerably fewer 'Other' applications<sup>4</sup> were determined (402 in 2017/18).



**TARGET NOT ACHIEVED**

(4) During 2018/19 79.9% of the 532 decisions 'non-major' applications<sup>5</sup> were made 'in time'<sup>2</sup>. Comparison with the performance achieved in 2017/18 is indicated below – 546 were determined in 2017/18. The 'local' target for this indicator for the year 2018/19 was 85%.



**TARGET NOT ACHIEVED**

**In conclusion none of the four targets relating to speed of determination of applications were met.**

The mid-year performance report predicted that all such targets, with the exception of that relating to 'Other' applications<sup>4</sup> would be achieved. It is now apparent that such a prediction was unduly optimistic.

Performance has, no doubt, been affected by considerable periods of staff absence as well as staff vacancies at both senior planning officer and support officer levels.

A key factor that specifically impacted upon our ability to determine Minor applications<sup>3</sup> in time<sup>2</sup> was the policy prior to the February 2019 Planning Committee of requiring contributions to public open space improvement and maintenance for Minor dwellings proposals (under 10 units). A significant number of minor applications<sup>3</sup> were affected by this policy

requirement and whilst a model planning obligation was devised to speed up the process of securing the required contribution it still took time. This meant that in many cases multiple extensions of time (EOT) agreements had to be sought before the application was determined and this, together with the number of applications awaiting completion of obligations at any one time, created additional management difficulties. This often meant that requests for further agreements were sought on the day that the agreed EOT was due to expire and whilst applicants/agents may have confirmed their agreement if that was provided on the next day it counted against us in respect of performance. In some cases even when agreement to EOTs were sought in advance the applicant/agent was either slow to respond or didn't respond at all.

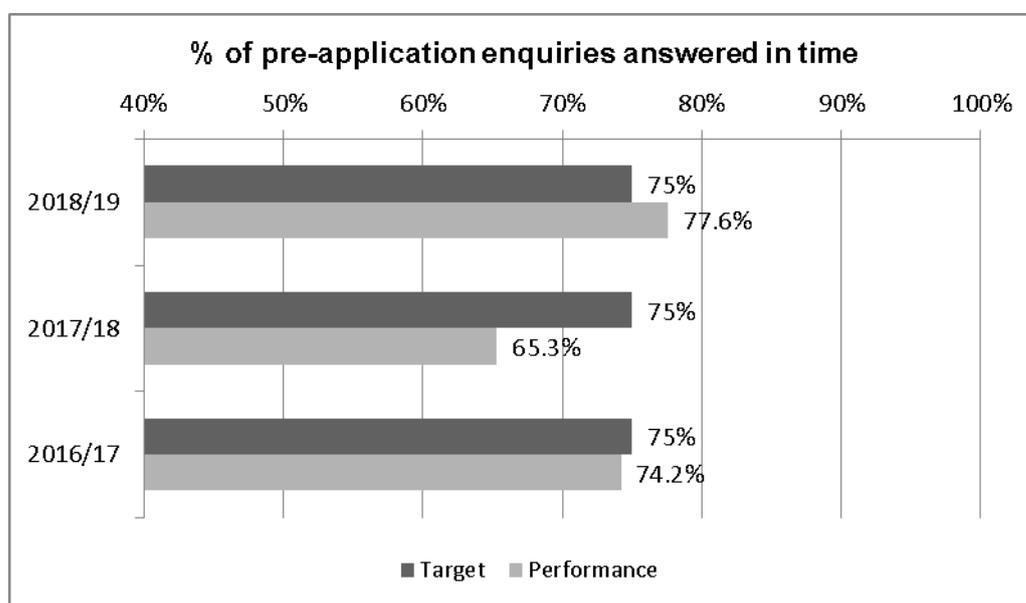
It should be noted that a further challenge to achieving the target with regard to the determination of planning applications was the introduction, on 1<sup>st</sup> October 2018, of legislation which prevents the use of pre-commencement condition without the written agreement of the applicant. The process 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 can delay the issuing of decisions.

As the Council are no longer seeking public open space contributions this has led to a significant improvement in performance on the determination of Minor applications<sup>3</sup> in the first two months of 2019/20 even with the requirement to obtain agreement for pre-commencement conditions referred to above. So far this year performance against 3 of the 4 targets relating to the speed of determination of planning applications is exceeding targets with performance in respect of 'Other' applications<sup>4</sup> only being marginally below target and showing signs of improvement.

Whilst not achieving the 'local' target performance in respect of Major and Non-Major applications exceeded the threshold set by the Government below which designation as a poorly performing Local Planning Authority is likely.

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

During 2018/19 77.6% of the 371 pre-application enquiries were answered 'in time'. Comparison with performance in previous years is indicated below.



**TARGET ACHIEVED**

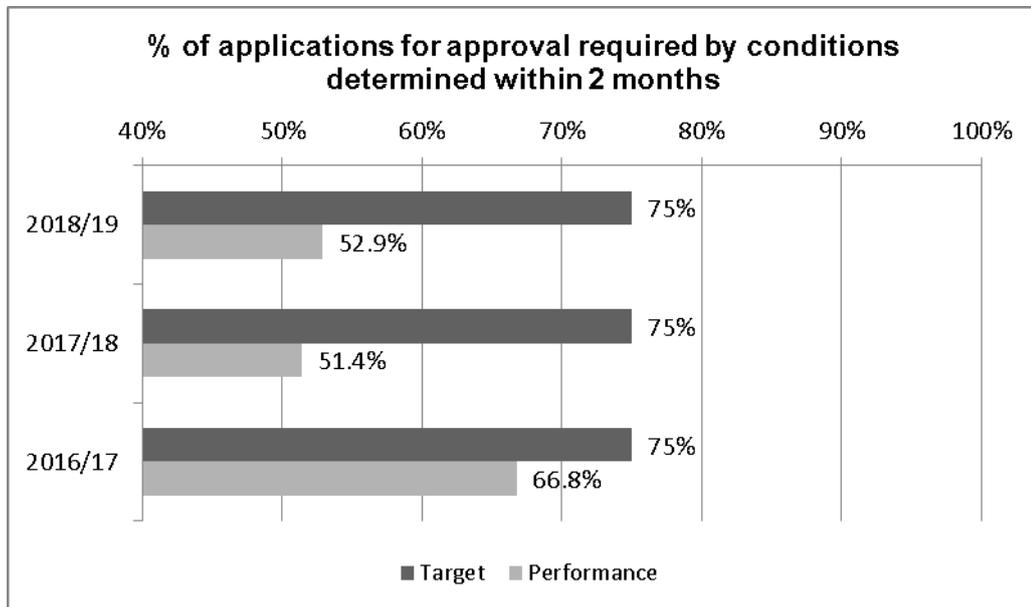
This indicator allows for more time for enquiries concerning the more significant proposals, and so more accurately reflects the differing demands which various pre-application enquiries involve. For 'Major' pre-application enquiries the target response time is 35 calendar days, for 'Minor' pre-application 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 responded to some 371 such enquiries in 2018/19, of which 26 were 'Major' pre-application enquiries; 96 were 'Minor' pre-application enquiries; and 249 were 'Other' pre-application enquiries.

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

During 2018/19 52.9% of conditions applications (165 out of 312) were determined within 2 months against a target of 75%. Comparison with performance in previous years is indicated below. In the year 2017/18 352 such applications were determined.



**TARGET NOT ACHIEVED**

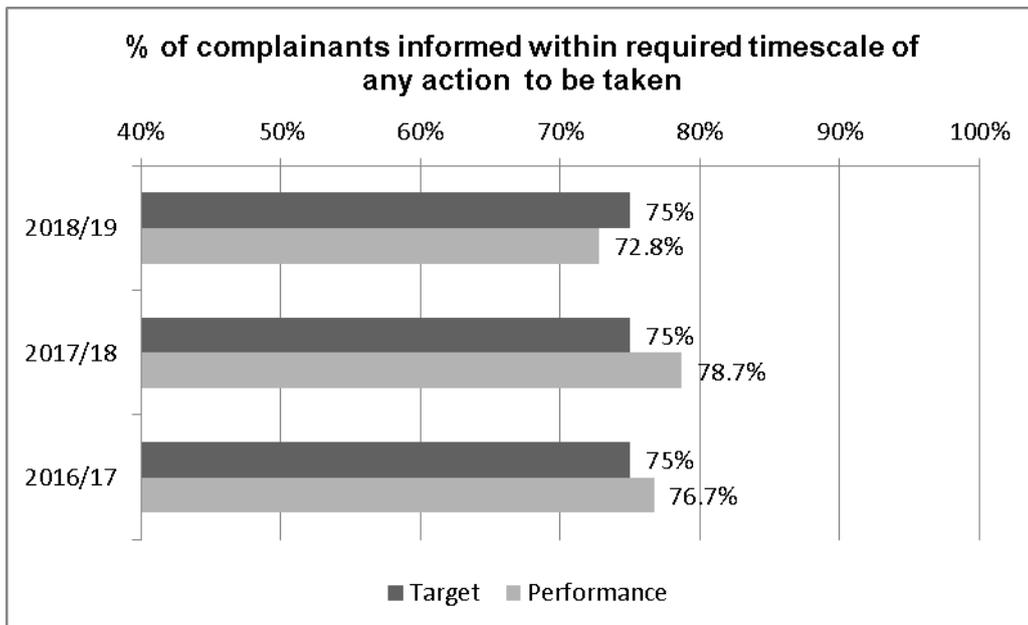
The Government have previously identified that planning conditions are an area of concern as too many overly restrictive and unnecessary conditions are routinely attached to planning permissions, with little regard given to the additional costs and delays that they impose. In addition, delays in discharging conditions 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. Another measure imposed by the Government is the introduction of the requirement for the local authority to seek the agreement of the developer to pre-commencement conditions which came into force on 1<sup>st</sup> 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. This 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.

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

Performance in 2018/19 was 72.8% compared the 'local' target of 75%. Comparison with previous years' performance is indicated below.



### **TARGET NOT ACHIEVED**

There was a decrease in the number of new complaints received in 2018/19 (228) compared with the number in 2017/19 (269) however this target was not achieved, having achieved it for the past three years. Notwithstanding this the shortfall was marginal and is, no doubt, a reflection on the complexity of the cases that were received in this period. A further factor affecting performance is cases where there are multiple complainants. Where the complainants aren't informed within the required period in such cases this can have a disproportionate effect on overall performance. It remains to be seen what the impact of the new member updating requirements within the Member Planning Enforcement protocol will be and this will need to be carefully monitored.

<sup>1</sup> '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

<sup>2</sup> 'In time' means determined within an extended period of time beyond the normal 8/13 week target period that has been agreed, in writing, by the applicant prior to the end of the 8/13 target period/previously agreed period.

<sup>3</sup> '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

<sup>4</sup> '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.

<sup>5</sup> '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:**

14th June 2019

#### **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.
- [Planning Performance. Criteria for designation.](#) (revised 2018)