



Derby City Council

PLANNING CONTROL COMMITTEE
28 May 2020

ITEM 7

Report sponsor: Chief Planning Officer
Report author: Development Control Manager

Development Control Performance – Quarter 4 (Jan. – Mar. 2020)

Purpose

- 1.1 This report gives details of our statistical performance reported to the Ministry of Housing, Communities and Local Government (HCLG) on decisions made during the period January – March 2020.

Recommendation(s)

- 2.1 To note the report.

Reason(s)

- 3.1 The report is for information.

Supporting information

- 4.1 Our performance levels are shown on the tables in 4.2. Members should be aware that there are some categories of application that are not included in the HCLG return but still represent significant work undertaken by the section. These include:
 - Applications for works to trees protected by a Tree Preservation Order or within a Conservation Area
 - Applications by Telecommunications operators for Prior Notification determination
 - Applications for Prior Notification determination of proposed demolition
 - Applications for Hazardous Substances Consent
 - Applications for Discharge of/Compliance with conditions of a previous permission
 - Non-material amendments
 - Applications called-in for determination by the Secretary of State for the HCLG
 - Applications which are withdrawn, or finally disposed of
 - Applications subject to an Environmental Impact Assessment (EIA)
 - Applications for Prior Notification determination for single storey rear extensions
 - Applications for Prior Notification determination for Change of Use to various uses
 - Applications for Certificates of Lawful Development

4.2

| Application Category | Government Target | Jan. – Mar. Actual Performance (change from previous quarter) |
|-----------------------------|--------------------------|--|
| Major | 60% in 13 weeks | 100% (+8%) |
| Non-Major | 70% in 8 weeks | 81% (-4%) |
| Total Number Determined | - | 244 (-71) |
| Total Number Received | - | 299 (+58) |

| Application Type | Number of applications determined by category |
|--------------------------------|--|
| Majors: | |
| Residential | 5 |
| Offices/Light industrial | 0 |
| General industrial/warehousing | 0 |
| Retail and distribution | 0 |
| Gypsy and Traveller pitches | 0 |
| Others | 5 |
| Total | 10 |

| | |
|--------------------------------|------------|
| Non-Majors: | |
| Residential | 18 |
| Offices/Light industrial | 3 |
| General industrial/warehousing | 2 |
| Retail and distribution | 15 |
| Gypsy and Traveller pitches | 0 |
| Others | 21 |
| Change of use | 24 |
| Householder | 132 |
| Total | 215 |

| | |
|---------------------------------|------------|
| Others: | |
| Advertisements | 14 |
| Listed Building Consent | 7 |
| Demolition in Conservation Area | 0 |
| Total | 21 |
| Grand Total | 236 |

4.3 Of the decisions made in this statistical return this quarter, 98% were made under delegated powers.

4.4 Major applications: The increased use of Planning Performance Agreements (PPA), and written agreements from applicants for the extension of time for a decision, as outlined in my report to the November 2013 meeting, has led to the 100% performance figure for Major applications being achieved this quarter.

- 4.5 The PPA process is a collaborative one between the Council and developers and, whilst the use of a PPA does not provide any guarantee that a scheme will receive permission/development consent, it does demonstrate that there is a clear programme for determining an application based on a range of parameters that are established through positive engagement. This provides the Council and developers with greater clarity that, even though an application may extend beyond its statutory period for determination, there is a degree of certainty surrounding the processes and timelines involved with individual applications.
- 4.6 In this quarter, of the 10 Major applications detailed in the above table, 7 were subject to written agreements with the developers.
- 4.7 Members should be aware that the Planning Guarantee, introduced by the Government, allows planning applications to be submitted directly to the Secretary of State if the Local Planning Authority has a record of failing to decide applications for Major developments on time. The threshold for designation for such 'special measures' is now one where a Local Planning Authority determines 60% or fewer Major applications on time. Designations are made annually.
- 4.8 Our performance on Major applications for the qualification period for the next round of designation (which covers October 2018-September 2020) is 90.14% - in excess of the current 60% threshold for designation set by the Government.
- 4.9 Non-Major applications: In this quarter we were 11% above the Government set national target.
- 4.10 Other applications: The performance of these remaining application types are not subject to a Government set national target. Members should note that a 'quality' threshold has been introduced for both Major and Non-Major applications. A Local Planning Authority will be designated if their performance in either category leads to more than 10% of applications determined being overturned at Appeal stage. The qualification period for this measurement is different (April 2018-March 2020) to allow for a period of up to nine months for the appeal process, so for the period that we are able to measure at present the percentage of non-Major application decisions overturned at appeal is under 1% and for Major applications is 0%.
- 4.11 Members should note that the Housing and Planning Act contains legislation which extends the Planning Guarantee to allow some 'Non-Major' planning applications to be submitted directly to the Secretary of State if the Local Planning Authority has a record of failing to determine them on time. The threshold for the next round of designations for such 'special measures' is set at one where a Local Planning Authority determines 70% or fewer 'Non-Major' applications on time. Our performance for the qualification period for the next round of designation (which covers October 2018-September 2020) is 83.96%. As with the Major applications, designations are made annually. For this purpose 'Non-Major' applications are defined as all Minor applications plus Householder and Change of Use applications which were previously included within the 'Other' category.

- 4.12 Members should also note that, in addition to the quarterly returns to central government, the team are also measured by local targets using the corporate performance system 'DORIS' ('Data for Outcomes that Really Improve Services'). DORIS is the performance management system for the Council and the Partnership. It is a web based tool for monitoring and reporting on performance. It currently contains performance information for the Council Plan and departmental business plans and the priority measures that form the Council Scorecard. With regards to planning performance this system seeks to assess the speed of determination in terms of wider local performance measures. For example, the system looks at the number of householder decisions made within 13 weeks to gauge how we perform with those decisions beyond the statutory 8 week period.
- 4.13 In terms of managing the section I am actively monitoring the income, workload and performance to seek to achieve an acceptable balance. I am pleased to be able to report that we have determined a total of 293 applications of all types this quarter. A reasonable proportion (45%) of our workload is dealing with Householder applications, and in this quarter, we dealt with 87% of this type of application within the 8 week target figure, or within an agreed timeframe with the applicant.
- 4.14 To put the figures into context, the figures for previous years are shown below:

| | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 |
|-------|---------|---------|---------|---------|---------|---------|
| Major | 79% | 90% | 98% | 95% | 87% | 87% |
| Non-M | 62% | 72% | 95% | 94% | 88% | 83% |

With one eye on the national targets, the team has a 'can do' attitude, where we seek to achieve a permission rather than refuse a scheme just to meet a target, a philosophy that I know Members have endorsed in the past.

Public/stakeholder engagement

- 5.1 None.

Other options

- 6.1 None.

Financial and value for money issues

- 7.1 Members need to be aware that for all planning applications & reserved matters applications received from 1 October 2013, the following now applies:
- ...For an application for planning permission or an application for reserved matters, if the LPA fails to issue a decision within 26 weeks then the LPA must refund the fee. It should be noted that there are a number of exceptions, including where the applicant and the LPA have agreed to an extended period, or where the applicant has submitted an appeal against non-determination (before 26 weeks), etc.*
- 7.2 There are no exceptions except where we have agreed an extension of time with the applicant or they have appeal non-determination. The extension needs to be agreed before the 26 week date and the team have put safeguards in place to avoid the potential for refunding applicants their fees.

7.3 This is an issue that will be monitored and colleagues across the Council will be reminded about the need to respect the importance of all deadlines within the application process.

Legal implications

8.1 None.

Other significant implications

9.1 Health and Safety

The on-going pressures associated with meeting performance targets and pressures being exerted by new legislation do have an impact on the morale of the team and this is something that is monitored.

9.2 Corporate objectives and priorities for change

Our performance levels in dealing with planning applications have implications for delivering excellent services, performances and value for money (priority).

This report has been approved by the following people:

| Role | Name | Date of sign-off |
|---------------------|--------------|------------------|
| Legal | | |
| Finance | | |
| Service Director(s) | | |
| Report sponsor | Paul Clarke | 18/05/2020 |
| Other(s) | Ian Woodhead | 18/05/2020 |

| | |
|---------------------|--|
| Background papers: | Communities and Local Government Statistical Release |
| List of appendices: | None. |