



Derby City Council

PLANNING CONTROL COMMITTEE
24 November 2016

ITEM 7

Report of the Director of Strategic Partnerships,
Planning and Streetpride

Development Control Performance – Quarter 2 (Jul. – Sept.2016)

SUMMARY

- 1.1 This report gives details of our statistical performance reported to the Department for Communities and Local Government (CLG) on decisions made during the period July-September 2016.

RECOMMENDATION

- 2.1 To note the report.

REASONS FOR RECOMMENDATION

- 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 CLG 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 DCLG
 - Applications which are withdrawn, or finally disposed of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	Jul-Sept Actual Performance (change from previous quarter)
Major	60% in 13 weeks	95% (-5%)
Minor	65% in 8 weeks	96% (+2%)
Other	80% in 8 weeks	92% (-3%)
Total Number Determined	-	329 (+15)
Total Number Received	-	300 (-20)
Non-Major	-	93% (-1%)

Application Type	Number of applications determined by category
Major: Residential	10
Offices/Light industrial	3
General industrial/warehousing	1
Retail and distribution	0
Gypsy and Traveller pitches	0
Others	5
Total	19
Minor: Residential	35
Offices/Light industrial	10
General industrial/warehousing	3
Retail and distribution	8
Gypsy and Traveller pitches	0
Others	37
Total	93
Others:	
Change of use	24
Householder	157
Advertisements	23
Listed Building Consent	13
Demolition in Conservation Area	0
Total	217
Grand Total	329

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 95% performance figure for Major applications being achieved this quarter. With exception of one application where the applicant appealed against non-determination, every Major application determined within the last six months, has been determined within the 13 week target period, or within a revised target agreed with the applicant/agent.

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.

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- 4.6 In this quarter, of the 19 Major applications detailed in the above table, 10 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 one where a Local Planning Authority determines 50% or fewer Major applications on time, or has more than 20% of Major decisions overturned at appeal, both indicators measured over the previous two years. Designations are made annually.
- 4.8 Our performance on Major applications over the two year period, Oct 2014- Sept 2016, was 91% - in excess of the 50% threshold for designation set by the Government. Members and Chief Officers need to be aware of the intention of the government to legislate to extend the performance regime to include other application types, which is explained further in 4.11.
- 4.9 Minor applications: In this quarter we were 21% above the Government set national target.
- 4.10 Other applications: In this quarter we were 12% above the Government set national target.
- 4.11 Members should note that the Housing and Planning Bill contains legislation that 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 decide 'Non-Major' applications on time. The Statutory Instrument containing this provision came into force on 21st October 2016. The threshold for designation for such 'special measures' has not yet been set, however indications are that it will be at least one where a Local Planning Authority determines 60% or fewer 'Non-Major' applications on time, and could be as high as 70%, and additionally no more than 10% or 20% overturned at appeal, both indicators measured over the previous two years. As with the Major applications, designations will be made annually. For this purpose 'Non-Major' applications are defined as all Minor applications plus Householder and Change of Use applications from the 'Other' category, and in anticipation of the introduction of this performance measure, I have added details of 'Non-Major' performance in the table in 4.2. When I have further information, I will update Members.
- 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.

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- 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 411 applications of all types this quarter. A reasonable proportion (38%) of our workload is dealing with Householder applications, and in this quarter, we dealt with 92% 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 2013/14, 2014/15 and 2015/16 are shown below:

	2013/14	2014/15	2015/16
Majors:	64%	79%	90%
Minors:	47%	49%	73%
Others:	55%	64%	78%

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.

OTHER OPTIONS CONSIDERED

- 5.1 None.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Ian Woodhead
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For more information contact: Background papers: List of appendices:	Ian Woodhead Tel:01332 642095 e-mail ian.woodhead@derby.gov.uk Communities and Local Government Statistical Release Appendix 1 – Implications
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IMPLICATIONS

Financial and Value for Money

- 1.1 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.
- 1.2 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.
- 1.3 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

- 2.1 None

Personnel

- 3.1 None

IT

- 4.1 None

Equalities Impact

- 5.1 None

Health and Safety

- 6.1 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.

Environmental Sustainability

- 7.1 None

Property and Asset Management

- 8.1 None

Risk Management

9.1 None

Corporate objectives and priorities for change

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