

Description Six Monthly Development Management Performance Report and update on Planning Improvement work.

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1.0 INTRODUCTION

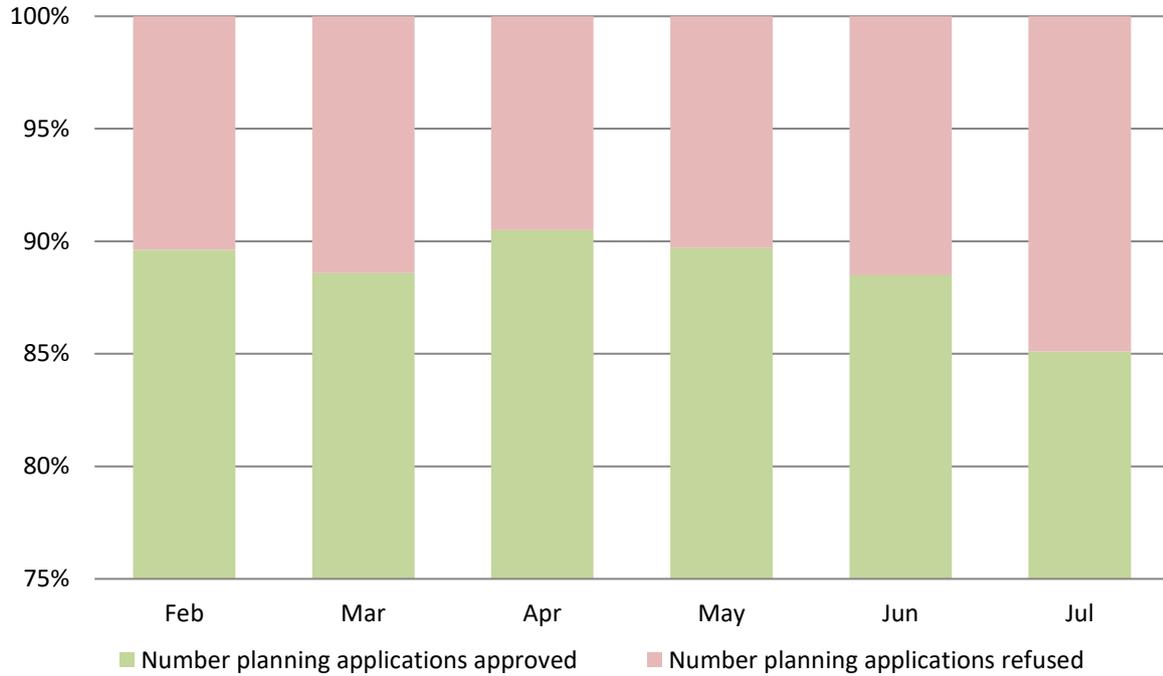
1.1 The report sets out the 6 monthly performance updates of the Development Management team since the previous report circulated to the Development Control Committee on the 23rd April 2020. The data within the report runs from 1st February 2020 to 31st July 2020. Furthermore, it also provides information on the planning improvement work that has been taking place in the service.

2.0 DEVELOPMENT MANAGEMENT

2.1 PS1 / PS2 – Statistics reported quarterly to MHCLG

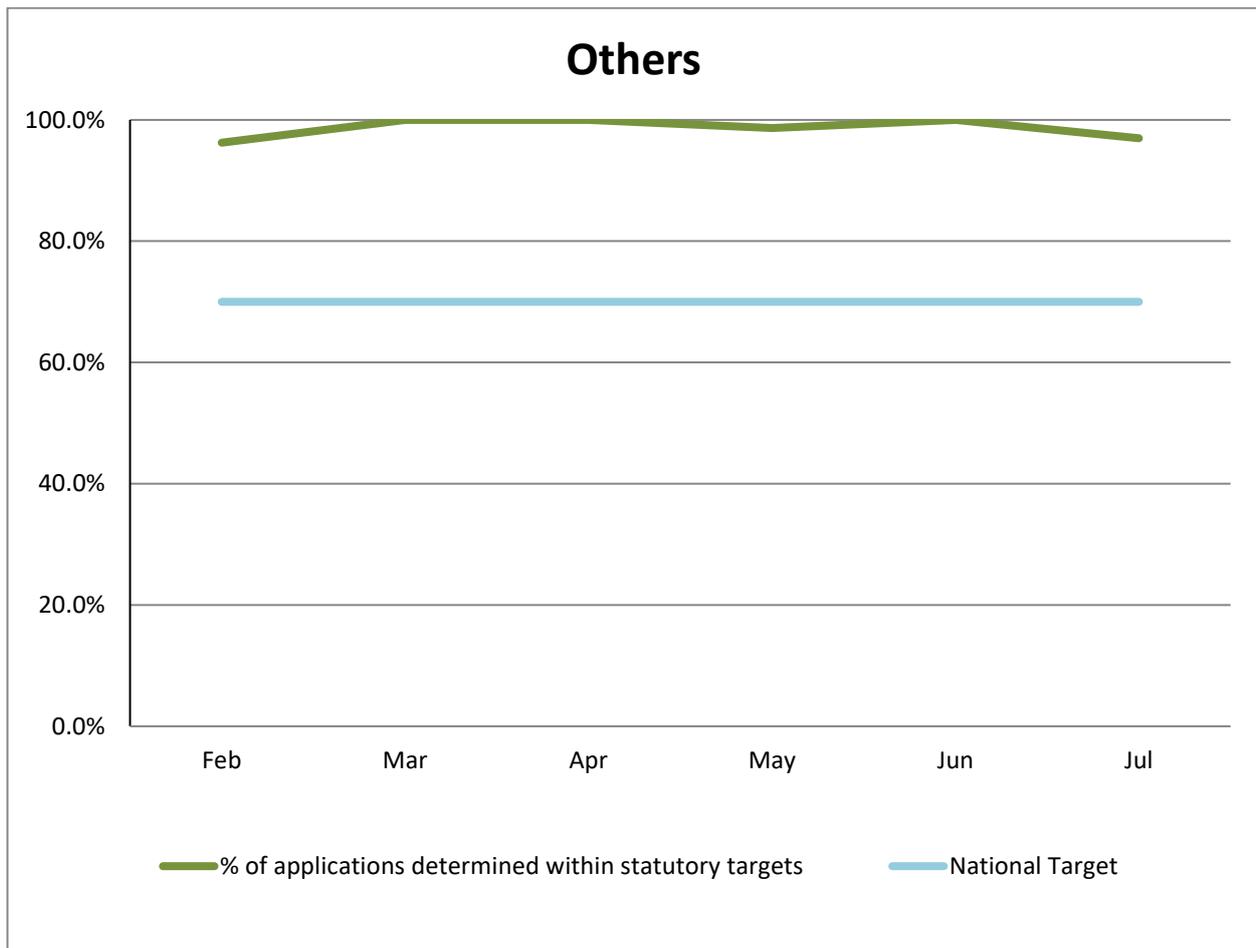
The statistics below only include the types of applications monitored by MHCLG. This covers in the region of one third of the applications dealt with by the service.

**Total Number of Planning Applications
(PS1/PS2)
% Approved/Refused by Month**



Government Statutory Totals	2020					
	Feb	Mar	Apr	May	Jun	Jul
Number planning applications approved	95	86	96	87	85	86
Number planning applications refused	11	11	10	10	11	15
Total	106	97	106	97	96	101

2.4 Other applications determined within statutory targets



Others	2020					
	Feb	Mar	Apr	May	Jun	Jul
MKC - % of applications determined within statutory targets	96.3%	100.0%	100.0%	98.6%	100.0%	97.0%
MKC – total number of applications	80	79	80	74	66	66
National Target	70.0%	70.0%	70.0%	70.0%	70.0%	70.0%

3.0 ENFORCEMENT

Enforcement cases from 1st March 2020 to 31st July 2020

- 3.1 During the reporting period the Enforcement Team have served 2 formal notices and closed 412 cases. Earlier in the year the planning enforcement performance had been significantly impacted by the absence of team members. One of the officers has now returned to work and the other post has now been filled with a temporary resource. We are currently in the process of recruiting to this post on a permanent basis.

- 3.2 Further impact on the team has been as a result of work related to a high-profile enforcement case, although the inquiry has now been moved to early next year which has helped.
- 3.3 There has been a strong focus on improving processes in enforcement to ensure that information is better recorded following a recent ombudsman case. We have also focused on reducing the number of old cases, bringing them to a conclusion as there was risk associated with some of these in relation to the potential lawfulness due to the length of time the breach had occurred.

4.0 5 YEAR HOUSING LAND SUPPLY

- 4.1 The Council's current position is that it can demonstrate a five-year housing land supply (5YHLS) and as such all policies contained within the Development Plan should be given full weight in decision making. As outlined below, this is however currently being reviewed.
- 4.2 Throughout 2019/20 the Council's position was challenged via a number of appeals, including via two planning inquiries into refused applications at Cranfield Road, Woburn Sands and Rectory Farm, Bow Brickhill. The Council committed a lot of resource into defending these appeals and was ultimately successful, with both appeals being dismissed and the Council's decision to refuse planning permission upheld. Both decisions also concluded that the Council could demonstrate a deliverable 5YHLS. This represented a significant achievement for the authority and involved officers from both the Development Management and Development Plans teams.
- 4.3 End of year monitoring for 2019/20 showed that the Council delivered their housing requirement for the second year running, with the number of units delivered in 2019/20, 2,076 net units, being 17.6% above the Plan:MK annual requirement and also being the highest number of units delivered across the Borough in over a decade. Furthermore, with 2,279 units under construction as of 1 April 2020 and 8,926 units with detailed planning permission, the Council is in a positive position to continue strong delivery over the forthcoming years.
- 4.4 It should however be noted that the current challenges presented to housebuilders by Covid-19 may have an impact on completions in 2020/21. Council monitoring to-date in 2020/21 shows that construction was halted on a large majority of sites for a period of 4-6 weeks. However, whilst monitoring for Quarter 1 of the year (1 April – 30 June) did show a reduced rate of completions, they were more positive than initially expected; as outlined below:
- 432 net completions were recorded, which is equivalent to 24.4% of the yearly housing requirement; a good return considering sites were closed for approximately half of the quarter;
 - Construction was started on 741 new units, therefore further increasing the supply of units under construction compared to the start of the year, even after taking into consideration units completed in the same quarter.

- 4.5 The Council are currently undertaking the annual process of updating their housing land supply position, which has been delayed this year due to the onset of Covid-19 and the intent to allow further time to assess and incorporate (where possible) the likely short term impacts on the Council's housing supply.
- 4.6 Ongoing engagement with landowners and developers as part of this process has to-date been relatively positive with many noting that the numbers of units being completed and sold in the Borough have risen back to pre-Covid rates. This is likely to have been positively affected by the Government's current stamp duty holiday and the high number of units already under construction within the Borough. As such, the Council will need to keep its housing supply under review to continue monitoring the response to the impacts of Covid-19 in the medium and longer term.
- 4.7 The updated 5YHLS position for the period 2020/21 – 2024/25 is due to be completed and published in late summer/early autumn 2020 and this will provide the Council's position for decision making purposes for the remainder of 2020/21; unless circumstances require a further interim review and update.

5.0 NATIONAL PERFORMANCE INDICATORS

- 5.1 The Ministry of Housing and Local Government (MHCLG) has two key indicators for measuring the performance of a council's development management function. These relate to the number of applications that are determined within prescribed time limits and the percentage of applications that have been allowed on appeal. The latest figures published for Milton Keynes Council are set out below¹, which also show the corresponding figures for Aylesbury Vale District Council and Central Bedfordshire Council as comparators.

¹ Live tables on planning application statistics (Tables P151; P152; P153 & P154) - <https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>

	24 months to end of December 2019									
	No. of applications			Applications determined within time				LPA rank		
	MKC	AVDC	CBC	MHCLG Target	MKC	AVDC	CBC	MKC	AVDC	CBC
Major (13 weeks or agreed extension)	206	133	266	60%	82.5%	73.7%	86.1%	266	325	235
Non-major (8 weeks or agreed extension)	2538	3072	3987	70%	95.4%	74.7%	89.1%	72	342	197

Major and non-major applications determined in time

	24 months to end of December 2019							
	Applications overturned at appeal				LPA rank			
	MHCLG Target	MKC	AVDC	CBC	MKC	AVDC	CBC	
Major	10%	2.8%	5.1%	3.1%	246	317	257	
Non-major	10%	0.8%	1.6%	0.6%	166	297	99	

Percentage of applications allowed on appeal

5.2 These figures show that performance of Milton Keynes Council's Development Management Service against these measures is good and significantly exceeds the MHCLG targets. A key element of Planning Improvement Board will be to ensure this performance is maintained and the Council can respond positively to any future changes to these targets.

6.0 PLANNING IMPROVEMENT WORK

6.1 Following the decision of the Development Control Committee in May 2017 to approve the proposed warehouse at 1 Yeoman's Drive in Blakelands, and the subsequent issuing of the decision by officers without including all of the required planning conditions, there has been significant work taking place to ensure that the risk of such an incident happening again is minimised. This work has included the following:

- (i) Commencement of an internal audit of the error regarding the missing conditions. This work has been overtaken by the external independent review.
- (ii) External independent review by Mr Marc Dorfman. This review is expected to conclude at the end of August 2020.

- (iii) Internal Planning Improvement Board. This is chaired by the Deputy Chief Executive and includes officers from planning and other service areas in the Council. The Terms of Reference are attached at Appendix 1 for information.

6.2 The Planning Improvement Board (PIB) has been in operation since January 2020 and was established to oversee and manage the implementation of the initial improvement plan prepared by the service following a number of issues identified in 2018/19. It will also respond to any further issues highlighted following the conclusion of the independent investigation into the Storage and Distribution Warehouse planning application at 1, Yeomans Drive (due in Aug 2020). A copy of the Interim Improvement Plan is attached at Appendix 2.

6.3 The Planning Improvement Board has been set up to provide a focus on ensuring that the interim improvement plan that has been prepared is implemented and that there is a concerted focus on improving the service, providing a resilient, robust, high performing and professional development management service. The Interim Improvement Plan has 4 overall objectives:

- (i) Development and maintenance of robust and effective processes
- (ii) Retention of workforce capacity and developed capability
- (iii) Reliable IT systems that respond effectively to customer demand
- (iv) To be recognised by stakeholders and customers as a professional and high performing service that responds effectively to feedback

6.4 An action plan has been prepared, identifying the key activities that need to be progressed under these objectives and is used to guide the work of the planning improvement board and is monitored at each meeting. The key issues that the improvement board and action plan have been focused around to date include implementing various process checking issues and moving these actions into business as usual once completed. Examples of the actions completed include the preparation and adopting of a Local Validation List, a review of the S106 procedure note, review of the process for report writing, weekly monitoring of performance statistics, introduction of a Parish Buddy System and regular meetings with internal consultees.

6.5 The Independent report into the 1 Yeomans Drive planning application is expected to be received in the next couple of weeks and an audit committee meeting is likely to be scheduled for September. The interim improvement plan will be updated once the independent report has been issued and considered by the Audit Committee and will need to reflect any recommendations made by the Audit Committee.

6.6 The DCC Committee will continue to receive regular reports on progress being made with the work of the Planning Improvement Board.

7.0 Planning for the Future White Paper

7.1 On the 6 August the Government published the White Paper – Planning for the Future and the consultation is open until 29 October 2020. On 14 August the Head of Planning circulated an email to all Members with some further information and on line

resources regarding this. A fuller briefing is being prepared on this and the other more immediate changes that the Government are also consulting on.

Appendix A- Planning Improvement Board, Terms of Reference

Element	Description	
Name	<ul style="list-style-type: none"> The name of the Board 	Planning Improvement Board (PIB)
Aims and objectives	<ul style="list-style-type: none"> What the Board has been established to achieve (our vision) 	<p><u>Vision</u></p> <p>The Planning Service is operating efficiently and effectively and regarded as a quality, well managed planning service.</p> <p><u>Purpose</u></p> <p>Oversee and manage the implementation of the improvement plan following a number of issues identified in 2018/19 and to respond the recommendations following the Blakelands review to be issued in 2020.</p>
	<ul style="list-style-type: none"> How it will achieve the purpose (priorities) 	<p><u>Objectives</u></p> <p>To oversee and manage the implementation of the action plans relating to the planning service to deliver a quality and effective service.</p> <p><u>Outcomes</u></p> <p>Improve and maintain performance standards above the Government targets for the determination of planning applications.</p> <p>Reduce the level of complaints, including those upheld by the Planning Ombudsman and deal with complaints more effectively.</p> <p>Reduce the number of appeals lost and decisions that go against officer recommendations.</p> <p>Reduce the average days to process applications and deal with enforcement issues within the locally set target times.</p>
	<ul style="list-style-type: none"> Measures of success 	Specific service delivery KPIs as set out in the Improvement Plan.
	<ul style="list-style-type: none"> Work Programme 	An initial six month work programme to be prepared and then updated following the publication of the Blakelands review report. The work programme will be set to include key decision milestones and potentially reporting back to the Audit Committee.
	<ul style="list-style-type: none"> What is in scope of the Board 	The Board is able to recommend actions and interventions to other corporate programme boards, CLT and Cabinet where this requires authority to proceed (i.e. needs an Executive decision, is beyond the scheme of financial delegation).

	<ul style="list-style-type: none"> What is out of the scope of the Board 	Determination of applications and changes to the scheme of delegation.		
Governance	<ul style="list-style-type: none"> Senior Responsible Officer 	Deputy Chief Executive		
	<ul style="list-style-type: none"> [Lead Cabinet Members] 	Portfolio Holder for Planning and Transport Portfolio Holder for Customer Services		
	<ul style="list-style-type: none"> Chairing arrangements 	Chair: Deputy Chief Executive		
	<ul style="list-style-type: none"> Relationship with other Management Boards 	There is a relationship with the Growth Delivery Board as well as achieving the overall service plan objectives.		
	Core members	Tracey Aldworth	Deputy Chief Executive and Chair	
		Tracy Darke	Director, Growth Economy and Culture	
		Jonathan Palmer	Head of Planning	
Sharon Bridglalsingh		Director, Law and Governance		
Jill Jones		Head of Portfolio Office		
The above are core members. Others may be invited to attend on a regular or occasional basis to report on risks, issues, project escalations and delivery.				
Meetings	<ul style="list-style-type: none"> Notice and frequency of meetings 	Meetings will be held every 6 weeks and reviewed after the first 6 months of operation for future frequency.		
	<ul style="list-style-type: none"> Voting arrangements 	None.		
	<ul style="list-style-type: none"> Minute taking and distribution arrangements 	Meetings will be supported by the SEA to the DCE. An Action list will be distributed (at least in draft form) within one week of the meeting and Agenda's sent out 5 days before the meeting.		
Powers	<ul style="list-style-type: none"> Decisions which can or cannot be made by the members of the Board 	The Board cannot make decisions that override other project and programme governance arrangements or make decisions that need to be taken by the Executive of fall outside the financial scheme of delegation.		

Decision making and risk management	<ul style="list-style-type: none">• Escalation procedures – when risks or disagreements are referred up to the Board	Key (Red) risks and issues will be reported to the CLT quarterly. Escalation of risks and disagreements up to the Corporate Leadership Team if PIB cannot resolve the identified issue.
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