



Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

FINANCE & PERFORMANCE SCRUTINY 14 October 2019

WARDS AFFECTED: ALL WARDS

FRONTLINE SERVICE REVIEW: PLANNING

Report of Director (Environment and Planning)

1. PURPOSE OF REPORT

- 1.1 To update members on the performance of the planning service.

2. RECOMMENDATION

- 2.1 That the report be noted.

3. BACKGROUND TO THE REPORT

- 3.1 The Planning Service forms part of the Environment and Planning Directorate. It includes the work areas development management, planning enforcement, regeneration/economic development, conservation/heritage, affordable housing, planning policy and building control. This report sets out the key activities carried out by the service, how it is performing against defined indicators and the budget position.

4. SERVICE OVERVIEW

- 4.1 The service is structured to work as a single team under the Head of Planning (currently vacant), with staff supporting each other to deliver common goals. A structure chart of the service is attached at Appendix 1.

Building Control

- 4.2 The Council's Building Control Service continues to face tough competition from the external market through approved inspectors winning market share and securing lucrative deals with developers. All local authority building control services are under pressure to retain staff and market share. The market share for the last three

financial years has generally been stable after earlier reductions in 2015-17 with 2018-19 at 56% slightly down from 57% in 2017- 18 and 58% in 2016-17.

- 4.3 Earlier this year the Council entered into a partnership with Blaby, Harborough, Melton and Oadby and Wigston. The identified benefits of a shared service being increased resilience for staff and experienced managers, pooling of knowledge, opportunity to jointly market service to grow revenue and possible economies of scale.

Development Management

- 4.4 Development Management continues to receive a good mix of application types. The service received 1332 applications (excluding pre-apps) which was slightly up from last year when we received 1275 applications. More recently Development Management have experienced an uplift in pre-application inquiries regarding new housing sites which is a reflection of the fact that the Council does not have a 5 year housing supply.
- 4.5 There have been a number of staff departures at officer level over the past year and the Council has been successful in recruiting to these positions.
- 4.6 Planning enforcement continues its proactive approach to enforcement. Complaints about the service have continued to reduce with a more focused timely response on making a decision as to whether to take enforcement action. The enforcement team is now reduced to one permanent member of staff who is an Enforcement Assistant with the other positions covered by consultants.

Regeneration and Economic Development

- 4.7 The Council's Major Project Team has been focused on supporting regeneration in the borough as well as addressing the five year housing land supply as well and Housing Delivery Test. We continue to work in bringing forward the Sustainable Urban Extensions at Barwell and Earl Shilton through a pro-active approach. Indeed progress on the s106 for Barwell is being made and work has begun on progressing the planning application for Earl Shilton. Officers have also engaged with Homes England who have confirmed their willingness to assist to bring forward the sites. Following the successful development of the majority of the sites in the Hinckley Town Centre Area Action Plan we are now looking at future opportunities to continue the regeneration of Hinckley. A Public Realm Masterplan and a Good Design Guide will establish a vision for the future of our built environment.
- 4.8 The Economic Development Team continues to deliver the aims and objectives of the Economic Regeneration Strategy (2016 – 2020) by working in partnership with local businesses, education establishments and forums to encourage networking, joint initiatives and to explore funding and promote apprenticeships and training opportunities. Officers have supported the employment and skills taskforce and in June it worked with the MIRA Technology Institute to hold a successful Careers Speed-networking event for students aged 12 to 14 from local secondary schools. Seventy five students got a vital insight into the world of work by talking to professionals from forty local business representatives. The Primary Engineer Programme has linked primary schools with engineers to increase awareness of engineering and in June pupils attended an event to showcase battery operated vehicles they had created. The team has obtained a new GDPR compliant business database with over 600 contact emails and these businesses are regularly sent relevant business related information and grant funding opportunities.

- 4.9 The team has worked jointly with North Warwickshire Borough Council on the LEADER programme. This initiative has just been completed and has awarded grants of £663,663 in the Hinckley and Bosworth rural areas to farming; small and micro businesses; rural services; tourism; forestry and culture and heritage and created 52 new jobs across the two boroughs. LEADER also funds the current heritage project that is supporting local heritage groups and in particular an Ada Lovelace exhibition and the production of a rural heritage leaflet.
- 4.10 A Local Employment & Training Strategy drawn up with IM Properties in respect to its business park development at Hinckley Park adjacent to Junction 1 of the M69 has enabled local jobs and training particularly through an innovative ground works training facility.
- 4.11 A successful bid to Leicester & Leicestershire Local Enterprise Partnership has provided funding towards the preparation of a Hinckley Town Centre Public Realm Masterplan that is scheduled to be completed at the end of October.
- 4.12 As a service we continue to adopt an holistic and joined up approach to the management of the borough's heritage often working in collaboration with other council departments and local stakeholders. The Heritage Strategy provides the vision and key aims and objectives to guide conservation and heritage activities in the borough over the next four years. It also has placed the council in a strong position for acquiring funding for heritage-led regeneration, with the recent offer of a £1m grant from Historic England for a Hinckley Heritage Action Zone to deliver enhancements including a shop front improvement scheme and public realm works confirming its success.

Strategic Development

- 4.13 Following the significant work in partnership with all the neighbouring authorities across Leicestershire the previous year, the Leicester and Leicestershire Strategic Growth Plan was endorsed by Council in December 2018. Since then the focus going forward for strategic cross-boundary work has been to look at delivering key priorities within the Strategic Growth Plan such as the delivery of stalled strategic sites across the county with the help of Homes England (the Government's housing accelerator agency) and promoting key infrastructure improvements such as the A5 expressway.
- 4.14 Work on the review of the Local Plan continues apace. The Local Plan will designate the use of land and allocate land for development within the borough up until 2036. It will also provide an updated set of policies to guide decision making on planning applications. To aid production of the plan a raft of evidence studies is currently in production, either externally or in-house, which will inform the development of policies. Examples of the kind of studies being prepared are Housing Needs Study, Employment Land and Premises Study, Infrastructure Capacity Study, Agricultural Land Study and Community Facilities Review. The Local Development Scheme is currently being reviewed following the change in administration to ensure production of the Local Plan is keep up to date and prepared in a timely manner.
- 4.15 Development of Neighbourhood Development Plans (NDPs) in the borough is developing well. Sheepy NDP successfully went through Examination and Referendum and was 'made' as an adopted plan in March 2019. Other notable NDPs at an advanced stage are Desford, Newbold Verdon and Burbage. Burbage has recently formally submitted their draft plan for Examination which will hopefully be made early next year. There are also several other parishes that are currently

preparing NDPs which are progressing well such as Stoke Golding, Witherley and Markfield.

- 4.16 In order to support development of NDPs, the council enters into bespoke Service Level Agreements (SLA) with each Neighbourhood Plan Group to ensure that timetables for delivery can be agreed and resourced accordingly. The Council have also employed the services of The Rural Community Council (RCC) under a 3 year SLA to provide dedicated support to local communities preparing NDPs. The RCC receives funding from the Council to promote the benefits of NDPs and to work pro-actively with communities to designate areas and develop plans. The RCC are also able to help communities to access sources of funding which might otherwise not be possible. The SLA is due to conclude at the end of March 2020 and a review of its impact is currently being undertaken.

Staff Recruitment and Retention

- 4.17 A number of staff have left the planning service over the past year. A renewed focus is therefore placed on recruitment and retention, to ensure that we retain the best staff to deliver a high standard of service. Recent recruitment exercises have demonstrated that there is a limited supply of planners nationally which is also reflected in the recent national survey of planning departments by the Planning Advisory Service (PAS). The survey found that they was difficulty recruiting nationwide at Senior Officer level and above and specialist roles including enforcement. The situation is unlikely to improve in the foreseeable future especially given central government's focus on delivering new homes and their own intention to significantly increase the number of planners across a number of agencies. It is therefore essential that the Council remains competitive and provides training opportunities to encourage staff to remain at Hinckley and Bosworth along with providing incentives to new staff to join.
- 4.18 A new career grade scheme for all planning staff below principal level was introduced in July 2018. This career grade supports staff as they gain more experience and value to the organisation. Officers now have clear performance objectives which provide a career path at Hinckley and Bosworth. The career grade also introduces an assistant level for persons without degree level qualifications to allow another path for entry to becoming a planning officer. This approach, although is early days, appears to be working well with staff already being able to move through the career grade and stay with the authority.
- 4.19 Two planning officers are being supported in doing a Masters in Planning which reaffirms the organisations commitment to support and grow staff. Another member of staff has been promoted from our Planning Support pool to an Enforcement Officer and is being supported in obtaining formal qualifications to advance his career.
- 4.20 A number of posts remain vacant those being the Head of Planning, Team Leader Enforcement and Senior Enforcement Officer, Enforcement Officer and Planning Policy Officer. Some temporary resource has been brought in to cover some of these roles and the Director for Environment and Planning is considering next steps to ensure that resources are in place for longer term.

5. PERFORMANCE

Building Control

- 5.1 The competitive nature of the building control service means it is important that high standards of customer service are maintained. Table 1 sets out performance against corporate performance targets.

Target	Performance Target	Performance %	Performance Nos.
Certificates issued in 7 working days	99%	99.78%	4854/4855
Plans determined in 5 weeks	99%	96.22%	126/131
Receipts issued within 4 working days	99%	99.76%	424/425

Table 1: Performance in Building Control (Year to 31st March 2019)

Planning Applications

- 5.2 Of the 1332 applications received 979 were approved (73%).
- 5.3 The speed of determining planning application continues to be a key performance indicator for the service. Under-performance can lead to government intervention by removing decision making powers from local planning authorities. The table below shows how the service has performed against the target which has been exceeded across all three application types.

Application Type	National Indicator	Performance Target	Actual Performance
Major Applications	60%	70%	83%
Minor Applications	65%	80%	88%
Other Applications	80%	90%	93%

Table 2: Planning application performance (Year to 31 March 2019)

Planning Appeals

- 5.4 Planning appeal performance remains a key requirement of government. Under-performance can lead to government intervention by removing decision making powers from local planning authorities. The government measures performance at appeal against all decisions over a rolling 2 year period. No more than 10% of all decisions should be overturned at appeal. In the two years prior to March 2019 the performance was as follows

Application Type	National Indicator	Performance
Major Applications	10%	4.2%
Non Major Applications	10%	0.8%

Table 3: Quality of decision making (Two years to 31 March 2019)

- 5.5 Performance on Majors of 4.2% was on the basis that of the 71 major applications 6 were appealed and of these 3 were allowed. It would only take 5 more to be allowed to place our performance above the indicator. Performance on non-majors was 0.8% on the basis that of the 2125 applications determined, 74 were appealed and of these only 17 were allowed. The Council is therefore significantly below the 10% which is the level at which the government would intervene. Officers review all decisions made by the Planning Inspectorate to learn lessons from the decisions and advise Members where appropriate, for example, different interpretations of policy by Inspectors.

Enforcement

- 5.6 Last year (to 31 March 2019), 385 planning enforcement cases were received. During the year the enforcement team closed 439 cases. Of those, 184 cases were deemed to be not to be a breach and 98 were resolved either by negotiation or by approving a retrospective planning application.
- 5.7 Where a breach of planning control is identified officers work to remedy the breach. The serving of an enforcement notice is always the last resort. During 2017/18, 23 notices (all types) were served.

Target Description	Target	Performance %	Performance Nos
Acknowledge complaint within 3 days	98%	99%	409/412
Visit site within 7 days	98%	99%	363/365
Close case within 14 days if there is no breach	80%	84%	95/113
Close case within 21 days if there is a breach but it is not expedient to take action	80%	100%	15/15
Identify there is a breach and its expedient to take actions within 21 days	80%	100%	259/260

Table 4: Speed of decision making in Enforcement (Year to 31 March 2019)

Strategic Planning

- 5.8 The council's planning policy team performance is measured against the Local Development Scheme (LDS). This document sets out the timetable for delivering the various local plan documents. Work on the local plan review has fallen behind the timescale envisaged in the LDS due to the need to consider the implications of the adopted Strategic Growth Plan and also the introduction of the new National Planning Policy Framework (NPPF). A revised LDS will be prepared in November with the hope to have a Draft Plan out for consultation in spring 2020.

Housing Tests

- 5.9 The Government requires the Councils to maintain a 5 year supply of housing sites. The NPPF in February 2019 introduced stricter guidance on what sites could be included in a Council's supply requiring Councils to only include sites which were deemed 'deliverable'. Therefore as of 1 April 2019 the Council has 4.15 years' supply of deliverable housing sites.
- 5.10 In addition to projecting forward and ensuring the Council maintains an adequate supply of housing; the Government has introduced a Housing Delivery Test (HDT). The HDT is an annual measurement of housing delivery in the area and is published annually in November by the Ministry of Housing, Communities and Local Government (MHCLG). The HDT is a calculation of the number of houses delivered in an area over the past three years divided by the target number of houses over that same period, expressed as a percentage. Where delivery is 'substantially below' specified percentages at different points in time then the presumption in favour of sustainable development will again be engaged with the result that unallocated and possibly less favourable sites may become vulnerable to speculative applications which will be assessed against the tilted balance with a presumption in favour of granting permission
- 5.11 The HDT will indicate when delivery has fallen below 95%, 85% or 75% of the Local Planning Authority's housing requirement over the previous three years. Regardless of whether the Council is able to demonstrate five years of deliverable housing moving forward, the presumption in favour of sustainable development will be engaged if the Council housing delivery is below 75%.
- 5.12 As of March 2019 the Government assessed that the Council had a delivery rate of 114% which is above the government target.
- 5.13 As the Council does not currently have a 5 year housing land supply, if this was to continue moving forward and there was not enough planning permissions granted, there would not be enough homes built and the Council will fail the housing delivery test. Using our current housing trajectory, it is anticipated that in November 2020 the Council will fail the HDT test only building approximately 93% of houses required. This will require an action plan to be published to show how the Council will boost the supply of housing in the Borough. However if the current housing trajectory continues, the Council will fail the Housing Delivery Test in November 2021 with a result below 75%. The implications of this will require the Council to have a five year housing supply plus a 20% buffer as well as the presumption in favour of sustainable development being engaged.

6. FUTURE CHALLENGES

- Delivering our major schemes and site allocations particularly the SUEs
- Regaining a 5-year housing land supply
- Meeting the Housing Delivery Tests
- Securing the review of our local plan in a timely way
- Implication of the Strategy Growth Plan
- Securing the long-term resilience of the building control service through a potential shared service
- Keeping our most skilled and ambitious staff
- Determining the requirement for a Head of Planning
- Maintaining high planning application and appeal performance to avoid intervention from government.

- Effective pre-app regime
- Maintain and efficient and proactive enforcement service.
- Delivering schemes under the Heritage Action Zone

7. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

7.1 Open

8. FINANCIAL IMPLICATIONS (CS)

- 8.1 As mentioned in paragraph 4.2 there has been pressures faced by the Building Control team. In 2018/19, the budgeted income target was £215,585 and the actual amount received was £206,748. This compares to the previous year when it was a budgeted income target of £211,584 and the actual amount received was £219,176.
- 8.2 In 2018/19, planning applications income was £831,916 compared against a budget of £1,038,000. This compares to the previous year when there was a budgeted income target of £865,000 and the actual amount received was £1,035,584.
- 8.3 In 2018/19 the Council also received additional sources of income through its pre-application advice service. A total of £39,261 was received against a target of £35,000. In addition to pre-application advice the Council has also introduced Planning Performance Agreements (PPAs) for very large and complex applications. This generated a further £18,886.
- 8.4 The legal cost associated with the planning appeals in 2018/19 totalled £56,140 with a budget of £55,000 set meaning a slight overspend to the service of £1,140.

9. LEGAL IMPLICATIONS (MR)

- 9.1 Set out in the report

10. CORPORATE PLAN IMPLICATIONS

- 10.1 The planning service contributes to all three priorities of the Corporate Plan, helping People stay healthy and reducing crime; improving Places through improved quality of homes, affordable housing, urban design and heritage facilities; and by delivering Prosperity by supporting town centre regeneration, tourism and economic growth.

11. CONSULTATION

- 11.1 None.

12. RISK IMPLICATIONS

- 12.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 12.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

13. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

13.1 The planning services takes account of equality and rural issues as part of all the decisions taken.

14. CORPORATE IMPLICATIONS

14.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers: None.

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