



**Hinckley & Bosworth  
Borough Council**

**FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING**

FINANCE & PERFORMANCE SCRUTINY                      5 November 2018

WARDS AFFECTED:    ALL WARDS

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**FRONTLINE SERVICE REVIEW: PLANNING**

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**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, 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 with approved inspectors increasingly winning market share and securing lucrative deals with developers. Pressures to retain building control staff are being faced by local authority building control services as they can't compete with salary and other benefits offered by the private sector. Market Share in 2017 was 55% down from 62% in 2016 and 69% in 2015.

- 4.3 In response to these pressures, discussions are currently underway with Charnwood Borough Council and North West Leicestershire District Council to consider the options for the establishment of a shared building control service between the partner authorities. This is to ensure that a local authority building control service can be provided on a long-term basis to deliver a holistic, fee earning and statutory function which will meet the challenges of competition from Approved Inspectors, retention of customers, bureaucracy, resilience and retention and recruitment of staff and maintaining staff morale.

#### Development Management

- 4.4 Development Management continues to receive a good mix of application types. It has also dealt with a number of large / contentious applications in the last year most notably the application adjacent to the A5 to create a new employment site containing DPD and also the application at MIRA for a Connected and Autonomous Vehicle Test Track.
- 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. Two graduates have also been employed in line with the services commitment to growing our own staff.
- 4.5 Planning enforcement continues its proactive approach to enforcement. Complaints about the service have reduced dramatically over the last year with a more focused timely response on making a decision on whether to take enforcement action. New performance targets for staff have also been introduced to support this.
- 4.6 The enforcement team has also worked with other departments across the Council and external agencies in the successful removal of the unauthorised gypsy encampment at Good Friday.
- 4.7 The enforcement team has lost the Senior Enforcement Officer which we have been unable to replace, despite advertising nationally. Whilst we wait for the market to refresh a very experienced consultant has been appointed who starts in October to ensure that service delivery remains unaffected.

#### Regeneration and Economic Development

- 4.8 The Council's now established Major Project Team has been focused on bringing forward the Sustainable Urban Extensions at Barwell and Earl Shilton. It was the proactive approach demonstrated by this team along with their work on trying to bring forward other stalled sites that impressed the Planning Inspector at The Common appeal and played a part in the final decision in the Council's favour.
- 4.9 The Economic Development Team works in partnership with local business associations and forums in order to encourage networking, joint initiatives and to explore funding and training opportunities. The team continues to deliver the aims and objectives of the Economic Regeneration Strategy (2016-2020) including Business events such as a construction employer workshop by the Construction Industry Training Board (CITB) that used to engage with stakeholders. A full application to the LEADER program to deliver the heritage element of the Destination Management Plan has been submitted. The revised Investor Prospectus is used to promote regeneration opportunities throughout the borough and the staff continue to work with developers, land owners and site promoters to bring forward development. The finishing of the shared service agreement with Oadby and Wigston Borough

Council following that Councils refocus on the more physical regeneration priorities has resulted in additional officer time within the team.

- 4.10 From a conservation perspective, a Heritage Strategy for the borough has been prepared. This provides a vision and key aims and objectives for the borough's heritage to guide conservation and heritage activities in the borough over the next five years. It has a holistic and joined up approach to the management of the borough's heritage and whilst the strategy element is in a short 3-sided format it is accompanied by a more detailed 'Background and Action' Plan document. This puts the council in a strong position for leveraging in funding to improve the historic environment.

#### Strategic Development

- 4.11 Planning Policy has spent a significant amount of time over the last year working with other authorities across Leicestershire on a Strategic Growth Plan which sets out an aspirational strategy for delivering houses and employment over the next 30 years. The final plan will now be consulted on with and needs to be agreed by each of the Local Authorities.
- 4.12 At a local level, the service is embarking on the delivery of a new Local Plan. This will allocate land for development up until 2036 and will provide an updated set of policies to guide decision making on planning applications. Work has been hampered by the need to await the agreement of the Strategic Growth Plan and the issuing of the revised National Planning Policy Framework (NPPF). The Local Development Scheme is currently being revised to take account of this delay. In the interim many of the evidence based studies have been commissioned which will inform the final spatial strategy for the Borough.
- 4.13 Neighbourhood Development Plans (NDPs) most notable Sheepy, Newbold Verdon and Burbage are progressing well. Others are also coming on stream which delivers the Council's aspiration to deliver NDPs across the Borough. The Council have also employed the services of The Rural Communities Council (RCC) to provide dedicated support to local communities preparing NDPs. The RCC is working under a Service Level Agreement (SLA) and 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. A review of the SLA is currently underway to ensure that it is working correctly. In addition bespoke SLA agreements with each Neighbourhood Plans Group and the Council are being drafted to ensure that timetables for delivery can be agreed and resourced accordingly.

#### Staff Recruitment and Retention

- 4.14 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 unlikely to improve in the foreseeable future especially given central governments 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.

- 4.15 A new career grade scheme for all planning staff below principal level was introduced in July. 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.
- 4.16 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 under the Council's Modern Apprenticeship Scheme is being supported in obtaining formal qualifications to advance his career.
- 4.17 A benchmarking exercise across Leicestershire is currently being undertaken for all levels in the planning service but specifically at Principal and Manager Level and which is not covered by the Career Grade. This will ensure that the organisation is aware of risks and the impact on the stability of the planning service given the short supply of planners nationally.

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%	100%	487/487
Plans determined in 5 weeks	99%	99.29%	140/141
Receipts issued within 4 working days	99%	99.78%	425/426

**Table 1: Performance in Building Control (Year to 31March 2018)**

Planning Applications

- 5.2 The service received 1275 (excluding preapps) planning applications during the year to 31 March 2018. Of these 1026 were approved. Planning Committee made decisions on 41 applications. Of these 36 were determined in accordance with the officer recommendation.
- 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%	76%
Minor Applications	65%	80%	88%
Other Applications	80%	90%	97%

**Table 2: Planning application performance (Year to 31 March 2018)**

#### 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 2018 the performance was as follows

Application Type	National Indicator	Performance
Major Applications	10%	0%
Non Major Applications	10%	0.7%

**Table 3: Quality of decision making (Two years to 31 March 2018)**

- 5.5 Performance on Majors of 0% was on the basis that of the 65 major applications only one was appealed and this was dismissed. Performance on non-majors was 0.7 on the basis that of the 1486 applications determined only 47 were appealed and of these only 10 were allowed. The Council is therefore significantly below the 10% which is the level at which the government would intervene.

#### Enforcement

- 5.6 Last year (to 31 March 2018), 390 planning enforcement cases were received. Of those, 184 cases were deemed to be not to be a breach and 101 were resolved either by negotiation or by approving a retrospective planning application.
- 5.7 From 1 April 2017, indicators have been put in place to monitor the speed at which decisions are taken about whether action should be taken. This change is in direct response to feedback from members of the public and will give clarity to complainants early in the process about whether they can expect the council to take action or not. The implementation of this has significantly reduced the number of service complaints received over the last year regarding the enforcement service. Table 4 sets out performance against these new targets.

Target Description	Target	Performance %	Performance Nos
Acknowledge complaint within 3 days	98%	100%	411/411
Visit site within 7 days	98%	99.74%	392/392
Close case within 14 days if there is no breach	90%	100%	87/87
Close case within 21 days if there is			

a breach but it is not expedient to take action	80%	100%	7/7
Identify there is a breach and its expedient to take actions within 21 days	80%	100%	110/110

**Table 4: Speed of decision making in Enforcement (Year to 31 March 2018)**

- 5.8 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, 18 notices (all types) were served.

#### Strategic Planning

- 5.9 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 align the work to the emerging Strategic Growth Plan and also the introduction of the new National Planning Policy Framework (NPPF). Work to revise the LDS is currently underway.

#### New Performance Indicators

- 5.10 The NPPF introduces a further test to measure a Council's performance. 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%.

## 6. FUTURE CHALLENGES

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

- Maintain and efficient and proactive enforcement service.

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

7.1 To be taken in open session.

## 8. FINANCIAL IMPLICATIONS (CS)

8.1 As mentioned in paragraph 4.2 there has been pressures faced by the Building Control team. In 2017/18 for the budgeted income target was £211,584 and the actual amount received was £219,176. This compares to the previous year when it was a budgeted income target of £223,000 and the actual amount received was £201,000.

8.2 In 2017/18 planning applications income was £1,030,584 compared against a budget of £865,000. Some of this increase is as a result on the new national planning fees which increased the cost of all applications by 20%. In return for increasing the revenue for planning fees the Council must demonstrate to the government that this additional income is spent on the Planning Service. In 2018/19 the planning applications income budget has been increased to £1,038,000 to reflect the fee increase. To date in this financial year there has been a decrease in the volume of large applications. Overall it is estimated that this might result an income reduction of circa £170,000. The position is being closely monitored an additional 3 or 4 large application could put the budget back towards a break even position.

8.3 In 2017/18 the Council also received additional sources of income through its pre-application advice service. A total of £46,517 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 £7,000.

8.4 The legal cost associated with the planning appeals in 2017/18 totalled £37,350 compared against a budget of £50,000, resulting in a saving of £12,650.

## 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.
- 12.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
DLS.19 - Recruitment & retention of staff Failure to recruit & retain staff leads to failure to maintain staffing levels within Development Services to deal with works required	Introduction of Career Grade at Officer Level  Supporting Officers Careers through training and modern apprenticeships  Benchmarking of Managers against surrounding authorities to ensure competitiveness.	Nicola Smith
DLS.44 - Five year housing land supply Failure leads to speculative unplanned housing developments plus additional costs incurred due to planning appeal process	Appointment of Monitoring Officer to review supply and new housing delivery test.  Brief members on new requirements of NPPF and provide updates at Planning Policy Members Working Group.	Kirstie Rea

### 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

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Background papers: None

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