



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Finance & performance scrutiny

5 October 2020

Wards affected:

All wards

FRONTLINE SERVICE REVIEW: PLANNING

Report of Director (Environment & 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 and planning policy. 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 three teams currently reporting to the Director of Environment and Planning. A structure chart of the service is attached at Appendix 1.

Development Management

- 4.2 Development Management continues to receive a good mix of application types. The service received 1395 applications (excluding pre-apps) which was up from last year when it received 1332 applications. More recently Development Management have experienced an uplift in pre-application

inquires regarding new housing sites which is a reflection of the fact that the Council until very recently did not have a 5 year housing supply. This is also reflected by the increase in fee income.

- 4.3 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

- 4.4 The Council's Major Project Team continues to focus on supporting regeneration in the borough as well as addressing the five year housing land supply which is in place and the Housing Delivery Test. We are working to bring forward the Sustainable Urban Extensions (SUEs) at Barwell and Earl Shilton through a pro-active approach. There have been challenges with these SUEs particularly around the delivery of infrastructure and in the case of Barwell further work has been required by the County Council regarding impact on the local road network.
- 4.5 The completion of the Supplementary Planning Document, The Good Design Guide, aims to substantially raise design quality in the Borough whilst ensuring that the local identity and heritage of the Borough is preserved and enhanced. The Public Realm masterplan provides a clear and coordinated vision for Hinckley town centre's public realm.
- 4.6 The Economic Development Team delivers the aims and objectives of the Economic Regeneration Strategy (2016 – 2020) action plan to promote economic well-being for all local businesses and residents across the whole of the borough. This is done 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. Successful skills events including the Careers Speed Networking Event in June 2019, Teen Tech in November 2019 and Engineering Careers Speed Networking in March 2020 were all held at MIRA Technology Institute. The 'Better Environment, Better Business – the Importance of Public Realm and Heritage' event held on the 29 October during the Leicester Business Festival. Communication to businesses included through a flyer that went into the business rates demands promoting business support available from both the LLEP Growth Hub and the Councils #Hinckleybusiness initiative on Twitter
- 4.7 The team has worked jointly with North Warwickshire Borough Council on the LEADER programme which has now completed. This included the 'Delivering the Destination Heritage Project' across both the HBBC and NWBC areas and the Ada Lovelace exhibition in October 2019, which was the most visited exhibition to date at Atkins

- 4.8 To help promote tourism within the Borough the service supported the delivery of a programme from within the Destination Management Plan and in common with previous years a programme of 12 Environmental Improvement schemes were completed to enhance the built environment.
- 4.9 The service provides a 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 gives the vision and key aims and objectives to guide conservation and heritage activities in the borough over the next three years. The successful application for Heritage Action Zone Funding for a £1.8m programme between 2020- 2024 will deliver enhancements including a shop front improvement scheme, a community engagement programme and public realm works.

Strategic Development

- 4.10 The council continue to work in partnership with all the neighbouring authorities across Leicestershire and other partners such as Homes England and LLEP through the Strategic Planning Group. The focus of the partnership continues to be on delivering key priorities within the Strategic Growth Plan. There has also been a focus within this partnership on revising and preparing joint evidence studies such as a Strategic Distribution Study. A sub-group of the partnership have been tasked with preparing a Statement of Common Ground (SoCG) setting out how all the members agree to the distribution of housing need and any unmet need from across the Leicester and Leicestershire Housing Market Area. Once drafted, the SoCG will progress through the democratic process of each individual organisation to seek agreement.
- 4.11 Work on the review of the borough's Local Plan is nearing completion and the Policy team are working to produce a draft plan that is scheduled to be presented to Council for a resolution to consult in spring 2021. The end date for the plan has been extended from 2036 to 2039 to ensure that it represents a sufficiently long term development plan for the borough. The timetable for the production of the development plan has slipped from what was previously set out in the Local Development Scheme (LDS). In order to reflect this revised timetable a new LDS was prepared and was published in August 2020.
- 4.12 Development of Neighbourhood Development Plans (NDPs) in the borough is a significant area of work within the Policy team. Recently NDPs for Burbage and Desford have successfully gone through examination and will move to referendum stage. Due to Covid-19 restriction, NDP referendums are statutorily on hold until April 2021 although the Covid regulations allow for significant weight to be attributed to plans that are awaiting the referendum stage. There are several other plans that are forging ahead towards the submission stage and are likely to go through Examination before April 2021 these being the NDPs for Newbold Verdon, Stoke Golding, Witherley and Markfield. Officers are also working with Market Bosworth on a review of their NDP. 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.

- 4.13 The Council's 3 year SLA with the Rural Community Council (RCC) came to its conclusion at the end of March 2020. However, a further focussed SLA for an initial 12 month period was entered into with the RCC to add capacity to the support offered by officers in the Policy team.

Staff Recruitment and Retention

- 4.14 There remains 5 vacant posts across the planning service that are currently being filled by consultants, 3 in enforcement, 1 in development management and 1 in planning policy. 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 current recruitment exercise is underway to recruit to the enforcement officer and planning officer development management positions; however due to the current financial constraints these posts are only advertised as 1 year fixed term contracts. Interviews are scheduled for the end of September and it is hoped that there will be candidates for all the vacant positions.
- 4.16 Two planning officers are being supported in doing a Masters in Planning concluding this year which reaffirms the organisation's commitment to support and grow staff. Another member of staff has been promoted from Planning Support pool to an Enforcement Officer and is being supported in obtaining formal qualifications to advance his career. Another member of the Planning Support staff has been accepted on a Modern Apprenticeship where they will be supported through a degree and post graduate qualification in planning.

5. Performance

Planning Applications

- 5.1 Of the 1395 applications received 1047 were approved. Planning Committee made decisions on 40 applications. Of these 32 were determined in accordance with the officer recommendation.
- 5.2 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%	82%
Minor Applications	65%	80%	90%
Other Applications	80%	90%	90%

Table 1: Planning application performance (Year to 31 March 2020)

Planning Appeals

- 5.3 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 2020 the performance is set out in Table 2. It should be noted that at the end of the 2 year period there is a further 9 months to take account of an applications still in the appeal system which for each rolling period is up to the 31st December. The figures set out below therefore have the ability to increase between now and December.

Application Type	National Indicator	Performance
Major Applications	10%	6.1%
Non Major Applications	10%	0.95%

Table 2: Quality of decision making (1 April 2018 to 31 March 2020)

- 5.4 Performance on Majors of 6.1% was on the basis that of the 82 major applications 11 were appealed and of these 5 were allowed. Due to the small number of majors that are appealed it would only take another 2 appeals to be allowed prior to the end of the year for the Council to be at 10%.
- 5.5 Performance on non-majors was 0.95 on the basis that of the 1566 applications determined, 69 were appealed and of these only 16 were allowed. The Council is therefore significantly below the 10% which is the level at which the government would intervene in relation to minor and other applications.
- 5.6 The Council has now entered the next rolling 2 year period for the period 1st April 2019 to 31st March 2021. For this period the Council's Performance is set out Table 3.

Application Type	National Indicator	Performance
Major Applications	10%	5.08%
Non Major Applications	10%	1.68%

Table 3: Quality of decision making (1st April 2019 to 31 March 2021)

- 5.7 Performance on Majors is 5.08% on the basis that of the 55 major applications, 8 were appealed and of these 5 were allowed.

Enforcement

- 5.8 Last year (to 31 March 2020), 286 planning enforcement cases were received. During the year the enforcement team closed 286 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.
- 5.9 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 2019/2020, 14 notices (all types) were served.

Target Description	Target	Performance %	Performance Nos
Acknowledge complaint within 3 days	98%	99%	297/298
Visit site within 7 days	98%	98%	361/265
Close case within 14 days if there is no breach	80%	94%	51/54
Close case within 21 days if there is a breach but it is not expedient to take action	80%	91%	10/11
Identify there is a breach and its expedient to take actions within 21 days	80%	100%	144/144

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

Strategic Planning

- 5.10 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. There has been some slippage in the timescales for producing the plan for a variety of reasons but the Policy team continue to progress and look at opportunities for speeding up the process wherever possible. A revised LDS has been produced and was published on the council's web site in August 2020.

Housing Tests

- 5.11 The Government requires that Councils 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 supply requiring Councils to only include sites which were deemed 'deliverable'. Therefore as of 1st April 2020 the Council has 5.14 years' supply of deliverable housing sites.

- 5.12 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
- 5.13 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%.
- 5.14 As of November 2019 the Government assessed that the Council had a delivery rate of 119% which is above the government target.
- 5.15 Using our current housing trajectory, it is anticipated that in November 2020 the Council will fail the HDT test only building approximately 89% 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 85%. 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
 - Maintain a 5-year housing land supply
 - Meeting the Housing Delivery Tests
 - Securing the review of our local plan in a timely way
 - Delivery of the Strategy Growth Plan
 - Keeping our most skilled and ambitious staff
 - Maintaining high planning application and appeal performance to Avoid intervention from government.
 - Effective pre-app regime
 - Maintain an efficient and proactive enforcement service.
 - Delivering schemes under the Heritage Action Zone
- 6.1 There are also significant changes to the planning system currently being consulted on by Central Government. These changes and the implications are being reported to Scrutiny separately.

7. Exemptions in accordance with the Access to Information procedure rules

7.1 Open

8. Financial implications [CS]

8.1 In 2019/20, planning application income was £1,182,918 compared to a budget of £1,013,000 which resulted in addition £169,918 of income about the budget allocated. This compares to the previous year when there was a budgeted income target of £1,038,000 and the actual amount received was £831,916.

8.2 In 2019/20, the Council also received additional sources of income through its pre-application advice service. A total of £66,482 was received against a target of £51,830. 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 £39,783 against a budget of £10,000.

8.3 The legal cost associated with the planning appeals in 2019/20 totalled £93,065 with a budget of £43,000 resulting in an overspend of £50,065.

8.4 In 2019/20, Development control spent £34,215 on agency staff & £199,590 on consultants. This compares to 2018/19 when a total of £151,844 was spent. These costs were funded via underspends from vacant posts.

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
<p>DLS.19 - Recruitment & retention of staff</p> <p>Failure to recruit & retain staff leads to failure to maintain staffing levels within Development Services to deal with works required</p>	<p>Introduction of Career Grade at Officer Level</p> <p>Supporting Officers Careers through training and modern apprenticeships</p> <p>Benchmarking of Managers against surrounding authorities to ensure competitiveness.</p>	Nicola Smith
<p>DLS.44 - Five year housing land supply</p> <p>Failure leads to speculative unplanned housing developments plus additional costs incurred due to planning appeal process</p>	<p>The council to maintain a 5YHLS. All Members have received training and further briefing to this effect. SLT and officers are working closely with Members to plan a positive way forward to address this.</p>	Kirstie Rea
<p>DLS.51 Housing Delivery Test</p>	<p>MHCLG published the Housing Delivery Test results in November 2019 and the Council has delivered 119% of it's housing requirement HBBC will continue to work on delivering new homes to ensure it does not fail the HDT when it is next published November 20</p>	Stephen Meynell

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.

12. Climate implications

- 11.1 The planning service considers the climate impact of all decisions it takes in accordance with the Council's strategy and Government Policy and Guidance.

12. Corporate implications

- 12.1 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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