



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

FINANCE & PERFORMANCE SCRUTINY 1st November 2021

WARDS AFFECTED: ALL WARDS

Planning Service Review

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.

Development Management

- 4.2 Development Management continues to receive a good mix of application types. In 2020/21 the service received 1491 applications (excluding pre-apps). 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. .

- 4.3 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 Officer with the other positions covered by consultants and resource from a neighbouring authority. .

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 absence of a five year housing land supply which is in place and the Housing Delivery Test. We are continue to work 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 consortium regarding impact on the local and strategic road network.
- 4.5 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 including working with consultants to produce a Wayfinding Strategy in line with the proposals outlined in the Hinckley Public Realm Masterplan.
- 4.6 The Economic Development Team promotes economic well-being for all local businesses and residents across the whole of the borough by delivering against the aims and objectives of the Council's Economic Regeneration Strategy. The recently approved version for 2021 – 2025 includes the latest action plan which is used to monitor progress. 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 include a virtual Teen Tech held in May 2021, discussions are underway with partners on future events including a NWSLC large Scale STEAM event, potential Engineering Careers Speed Networking and Teen Tech events at MTI. Communication to businesses included emails to our business email database, on social media and through a flyer that went into the business rates demands promoting business support available from both the LLEP Growth Hub and the Councils Twitter and LinkedIn social media profiles.
- 4.7 The Council acted as a Kickstart Gateway with 26 businesses having been accepted putting forward approx. 70 jobs. This has resulted in 9 placements currently covering 4 businesses so far with 14 businesses awaiting placements. The successful HBBC Business Recovery Project Fund grants programme provided £275,500 of funding to 34 businesses for projects to help them recover from the pandemic.

- 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 9 Environmental Improvement schemes were completed to enhance the built environment. Working in collaboration with North Warwickshire Borough Council the Council launched a new joint heritage leaflet – ‘Our Shared Heritage’
- 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 High Street Heritage Action Zone which commenced in 2020 has a £1.85m programme between 2020- 2024 to 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.
- 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 November 2021.
- 4.12 Development of Neighbourhood Development Plans (NDPs) in the borough is a significant area of work within the Policy team. Recently NDPs for Markfield and Stoke Golding have successfully gone through examination. There are several other plans that are progressing including Newbold Verdon, Witherley and Market Bosworth. 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.

Staff Recruitment and Retention

- 4.13 There have been a number of staff leaving since the summer across the department. The HAZ coordinator role has recently been recruited to. By the end of November there will be vacancies in 8 out of 9 roles in Development Management and 3 out of 4 in enforcement and a further 3 roles vacant in planning admin. The vacant roles are currently being advertised and a verbal update will be provided at the meeting. Roles are currently being covered by interim members of staff, support from neighbouring local authority and a private firm. This does bring with it cost implications over and above any salary savings from the vacant posts.

5. Performance

Planning Applications

- 5.1 Of the 1491 applications received 835 were approved. Planning Committee made decisions on 45 applications. Of these 31 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 speed measure is monitored on a quarterly basis for a rolling two year period. The table below shows how the service has performed against the target which has been exceeded across all three application types for the previous two financial years.

Application Type	National Indicator	Performance Target	Actual Performance
Major Applications	60%	70%	83%
Minor Applications	65%	80%	85%
Other Applications	80%	90%	86%

Table 1: Planning application performance (1st April 2019 to 31 March 2021)

- 5.3 Performance has however significantly changed over the last 9 months due to the increase in applications, along with the complexity of applications received which has resulted in many applications not being determined in the statutory period. Table 2 shows that the council is failing the target for both Minor and Other applications unless performance dramatically improves the Council will fail these measures and could be put into special measures by the Government

Application Type	National Indicator	Performance Target	Actual Performance
Major Applications	60%	70%	80%
Minor Applications	65%	80%	61%
Other Applications	80%	90%	63%

Table 2 Planning Application performance 1st April 2020 to 31st July 2021

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. 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 in Table 3 therefore have the ability to increase between now and December 2021.

Application Type	National Indicator	Performance
Major Applications	10%	4.44.1%
Non Major Applications	10%	1.23%

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

- 5.4 Performance on Majors of 4.44% was on the basis that of the 90 major applications 12 were appealed and of these 4 were allowed.
- 5.5 Performance on non-majors was 1.23 on the basis that of the 1706 applications determined, 62 were appealed and of these only 21 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 2020 to 31st March 2022. For this period the Council's Performance is set out Table 4.

Application Type	National Indicator	Performance
Major Applications	10%	1.49%
Non Major Applications	10%	0.73%

Table 4: Quality of decision making (1st April 2020 to 31 March 2022)

- 5.7 Performance on Majors is 1.49 % on the basis that of the 67 major applications, 5 were appealed and of these 1 were allowed.
- 5.8 It should be noted that these performance measures are likely to change given the number of major appeals that we have awaiting a decision. A league table published in October in the national planning press places Hinckley and Bosworth as the 13th worst authority for the quality of decision making.

Enforcement

- 5.8 Last year (to 31 March 2021), 297 planning enforcement cases were received. During the year the enforcement team closed 295 cases. Of those, 109 cases were deemed to be not to be a breach and 95 were resolved either by negotiation or by approving a retrospective planning application.
- 5.9 Where a breach of planning control is identified officer's work to remedy the breach. The serving of an enforcement notice is always the last resort. During

2020/21, 16 notices (all types) were served, an increase of 2 on the year before.

Target Description	Target	Performance %	Performance Nos
Acknowledge complaint within 3 days	98%	100%	251/251
Visit site within 7 days	98%	100%	260/260
Close case within 14 days if there is no breach	80%	100%	33/33
Close case within 21 days if there is a breach but it is not expedient to take action	80%	100%	1/1
Identify there is a breach and its expedient to take actions within 21 days	80%	100%	116/116

Table 5: Speed of decision making in Enforcement (Year to 31 March 2021)

Strategic Planning

- 5.10 The Council continues to work with other Leicestershire authorities through the Strategic Planning Group and Members Advisory Group on strategic planning matters. It also works with authorities in Warwickshire on planning matters of relevance. 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. The current version was published in August 2020. It set out consultation on a draft plan in March / April 2021 and submission in September 2021. This has not been achieved primarily due to delays in finalising the highways evidence base. A consultation took place in June 2021 and the submission of the new plan is expected to be in Spring 2022. The LDS will be updated at this point.

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 2021 the Council has 4.46 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 January 2021 the Government assessed that the Council had a delivery rate of 92% which was below the Government's requirement of 95%, thereby failing the Housing Delivery Test. Having a 92% delivery test result required the Council to produce an Action Plan which was published July 2021 detailing how HBBC intends to address the issues surrounding low housing delivery.
- 5.15 Using our current housing trajectory, it is anticipated that in January 2021 the Council will fail the HDT test for the second year as only approximately 86% of houses required will be built. This will still only require an action plan to be published to show how the Council will boost the supply of housing in the Borough, however it should be noted that this has included a four month discount to our delivery to factor in the building delays experienced because of the COVID-19 pandemic. If this four month discount was not in place HBBC would be in a much worse position..

6. Future Challenges

- Delivering our major schemes and site allocations particularly the SUEs
- Establish a 5-year housing land supply
- Meeting the Housing Delivery Tests
- Progressing the Local Plan through examination and adoption
- Retention and recruitment of staff
- Maintaining high planning application and appeal performance to avoid intervention from government.
- Maintain an 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

- 8.1 In 2020/21, planning application income was £1,156,772 compared to a budget of £1,008,000 which resulted in additional income of £148,772. This compares to the previous year when there was a budgeted income target of £1,013,000 and the actual amount received was £1,182,918.
- 8.2 In 2020/21, the Council also received additional sources of income through its pre-application advice service. A total of £67,398 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 £41,225 against a budget of £25,000.
- 8.3 The legal cost associated with the planning appeals in 2020/21 totalled £149,582 with a budget of £43,000 resulting in an overspend of £106,582.
- 8.4 In 2020/21, Development control spent £78,772 on agency staff & £133,745 on consultants. This compares to 2019/20 when a total of £233,805 was spent. These costs were funded via underspends from vacant posts.

9. Legal implications

- 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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