



**Hinckley & Bosworth
Borough Council**

Forward timetable of consultation and decision making

Finance & Performance Scrutiny 7 November 2022

Wards affected All wards

Planning Service Review

Report of Planning Manager (Development Management)

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 Community Services 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 Planning Service Action plan

4.1.1 It is recognised that the past year has been a difficult time for the planning service, not least with the recruitment of officers. The reduction in permanent capacity has impacted on the levels of customer service provided and the speed of processing of planning applications which will be noted below.

4.1.2 there is commitment throughout the service to move forward from this difficult time and to drive this work an action plan is in development which will incorporate service specific areas of work, the Neighbourhood Development

Plans Action Plan, the Housing Delivery Test Action Plan and will incorporate any recommendations from the Scrutiny planning review.

4.1.3 Officers from across the service are already working together on specific areas, with the introduction of three working groups with membership from within the service and wider across the council, looking at:

- ICT
- Communications – both internal and external
- Customer service

4.1.4 Officers are also looking at a programme of Member training and communications.

4.2 The service is structured to work as three teams currently reporting to the Director of Community Services.

Development Management

4.3 Development Management continues to receive a good mix of application types. In 2021/22 the service received 1587 (up from 1491 in 2020/21) applications of all types. This included 35 applications for major residential developments, reflecting the Council's lack of a 5 year housing land supply.

4.4 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 operating with a Team Leader part time from another authority, one member of agency staff and two permanent full time staff.

Regeneration and Economic Development

4.5 The Council's Major Project Team supports regeneration and economic regeneration in the borough. Along with planning colleagues we are working to bring forward the Sustainable Urban Extensions (SUEs) at Barwell and Earl Shilton through a pro-active approach. The delivery of infrastructure continues to be a key challenge and in the case of Barwell further work has been required by the consortium regarding impact on the local and strategic road network.

4.6 The Wayfinding Strategy in line with the proposals outlined in the Hinckley Public Realm Masterplan has been completed and we are now working on implementation with potential funds available through the UK Shared Prosperity Fund (UKSPF). The production of a Town Centre Strategy for Hinckley was commissioned and is being finalised. It is a high-level document that identifies opportunities for investment and improvement to deliver physical, social and environmental aspirations for the town centre through a separate masterplan. It will provide a framework for the regeneration of sites within Hinckley by identifying and targeting specific sites. The strategy will

have a life of between 5 and 15 years depending on the progress against objectives and will align with the emerging Local Plan and promote regeneration within the town centre as well as supporting the HBBC Economic Regeneration strategy. The Strategy will not be a Masterplan for the town centre as that will follow as a separate document.

- 4.7 By delivering against the aims and objectives of the Council's Economic Regeneration Strategy the Economic Development Team promotes economic well-being for all local businesses and residents across the whole of the borough. To monitor progress the current version which is for 2021 – 2025 includes an action plan. Delivery 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. The Council has supported cross-border (North Warwickshire Borough Council and Nuneaton and Bedworth Borough Council) employment and skills initiatives and events such as the Career Speed Networking and Teen Tech live events at Mira Technology Institute. 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.
- 4.8 The Council acted as a Kickstart Gateway, processing monthly payments and supporting local businesses accepted onto the scheme with their six month placements for creating new jobs for 16 to 24 year olds. As a sub-group of the Councils Employment and Skills Taskforce the Council has established the Hinckley and Bosworth Business Climate Change Forum chaired by Hinckley and Rugby Building Society aiming to work with local businesses to bring best practice together and share knowledge on how businesses are reducing their carbon footprint and limiting the impacts of climate change.
- 4.9 The UKSFP has a conditional allocation of £2,600,011 for the borough and will provide new funding for local investment by March 2025. The fund has three 3 key themes:
- Communities and place
 - Local business
 - People & skills

To access the funding allocation the Council has drawn up an Investment Plan with projects under the key themes. This has been submitted to government and their approval is due in October 2022

- 4.10 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 2018-2023 provides the vision and key aims and objectives to guide conservation and heritage activities in the borough. 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

- 4.11 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. As part of the partnership working, the council is involved in the preparation of Statements of Common Ground (SoCG) relating to proposed housing and employment distribution regarding Leicester City's declared unmet need and also needs for Strategic Distribution and Warehousing. SoCGs are currently required to aid compliance with the statutory Duty to Cooperate which the council will need to demonstrate at the future Local Plan examination.
- 4.12 Work on the review of the borough's Local Plan is continuing to progress following the conclusion of the Regulation 19 consultation in the plan in February and March of this year. However, the council was not in a position to submit the plan for examination at the end of April due to a need to respond to an uplift in our housing requirement due to the recent increase in housing affordability ratio coupled with continuing uncertainty about changes to the planning system at central government level, not least related to the duty to cooperate. The council will need to re-timetable the next stages of Local Plan preparation and prepare a new Local Development Scheme to reflect this.
- 4.13 Development of Neighbourhood Development Plans (NDPs) in the borough continues to be a significant area of work within the Policy team. Recently the NDP for Barlestone has successfully gone through examination and Witherley's draft NDP has been accepted for examination. . Earlier this year the council worked with the Planning Advisory Service (PAS) to undertake a service improvement project to ensure out neighbourhood planning support was fit for purpose. To aid this process workshops were conducted with groups preparing NDPs and other stakeholders. PAS produced a report of their findings and proposed some recommendations. The council are currently preparing an action plan based on these recommendations and will look hold an event with Parish Councils and NDP groups before the end of the year to present the action plan. Ward Members will be invited along to any events also.

Staff Recruitment and Retention

- 4.14 There has been a high staff turnover in 2021/22, with all nine members of the Development Management Team leaving the Council between July and November 2021. Of these vacant posts, the Planning Manager, 2.5 Planning Officer and 2x Planning Assistant posts have been filled with permanent staff. The remaining posts (Team Leader and Senior Planning Officer) are vacant and currently occupied by agency staff and with use of external consultants. These posts have been advertised by the Council over a number of months with no success, leading to the appointment of a recruitment consultant to act

on behalf of the Council. A verbal update on progress will be provided at the meeting.

- 4.15 In Planning Policy and Major Projects there has also been a number of vacancies, with two staff leaving from each service in 2021 and into 2022/23. A new Planning Officer within Policy was successfully recruited and joined the team in June this year but the Principal role received no applications. These remaining roles are being advertised through a recruitment consultant as above.
- 4.16 Roles are currently being covered by interim members of staff, support from a neighbouring local authority and a private firm. This does bring with it cost implications significantly over and above any salary savings from the vacant posts. Recruitment to planning teams is a national issue, not just an issue affecting Hinckley & Bosworth Borough Council. Elsewhere in Leicestershire other Local Planning Authorities are having to use agency interim staff to fill vacancies, particular for higher level senior and team leader posts.

5. Performance

Planning Applications

- 5.1 In 2021/22 856 applications of all types were approved. Planning Committee made decisions on 45 applications. Of these 35 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 to March 2022.

Application Type	National Indicator	Performance Target	Actual Performance
Major Applications	60%	70%	68.6%
Minor Applications	65%	80%	55.5%

Table 1: Planning application performance (1st April 2020 to 31 March 2022)

- 5.3 Performance has decreased, particularly for non-major applications, since January 2021. For the quarter to January 2021 (Oct-Dec 2020), performance for non-major applications was 84%, however performance since January 2021 averages 36% across five quarters to March 2022.
- 5.4 There is a risk that the Council could be put into special measures for determination of minor applications. The service is working positively with the Planning Advisory Service (part of The Local Government Association) to

explain the measures in place to improve performance and the unprecedented difficulties the service has faced around recruitment.

Planning Appeals

- 5.5 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 2022.

Application Type	National Indicator	Performance
Major Applications	10%	4.5%
Non Major Applications	10%	1.5%

Table 2: Quality of decision making (1 April 2019 to 31 March 2021)

- 5.6 Performance on Majors of 4.5% (up from 4.44%) was on the basis that of the 88 major applications 9 were appealed and of these 4 were allowed.
- 5.7 Performance on non-majors was 1.5% (up from 1.23%) on the basis that of the 1377 applications determined, 61 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.
- 5.8 It should be noted that these performance measures are likely to change given the number of major appeals that we have awaiting a decision and with the number of major appeals awaiting a start date or an inquiry/hearing date. A league table published in September 2021 in the national planning press places Hinckley and Bosworth as the 5th worst authority for the quality of decision making between April 2018 and April 2021.

Enforcement

- 5.9 Last year (to 31 March 2022), 234 (down from 297 in 2020/21) planning enforcement cases were received. During the year the enforcement team closed 233 cases.
- 5.10 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 2021/22, 10 notices (all types) were served.

Target Description	Target	Performance %	Performance Nos
Acknowledge complaint within 3 days	98%	74.2%	217/161
Visit site within 7 days	98%	84.2%	120/101
Close case within 14 days if there is no breach	80%	49.40%	83/41
Close case within 21 days if there is a breach but it is not expedient to take action	80%	42.1%	19/8
Identify there is a breach and its expedient to take actions within 21 days	80%	82%	135/124

Table 3: Speed of decision making in Enforcement (Year to 31 March 2022)

- 5.11 Planning Enforcement performance has declined, with available resources varying through the year. Where performance is lower, this relates to cases where there is either no breach identified, or it is not expedient to take action. In these cases the Planning Enforcement Team performance is below target with regards to writing up and closing cases, but this is not the case where it is considered expedient to take action.

Strategic Planning

- 5.12 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. As detailed at paragraph 4.12, an updated LDS will need to be prepared as progress on the Local Plan has not been in line with the August 2020 version.

Housing Tests

- 5.13 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 2022 the Council has 4.89 years' supply of deliverable housing sites.
- 5.14 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.

- 5.15 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%.
- 5.16 As of March 2021 the Government assessed that the Council had a delivery rate of 86% which was below the Government's requirement of 95%, thereby failing the Housing Delivery Test. Having an 86% delivery test result required the Council to produce an Action Plan which was published July 2021 and updated in July 2022 detailing how HBBC intends to address the issues surrounding low housing delivery.

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
- Significantly improve planning application and appeal performance to avoid intervention from government
- Maintain an efficient and proactive enforcement service
- Delivering schemes under the Heritage Action Zone.

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

- 8.1 To be taken in open session.

9. Financial implications (CS)

- 9.1 In 2021/22, planning application income was £1,219,356 compared to a budget of £1,008,000 which resulted in additional income of £211,356. This compares to the previous year when there was a budgeted income target of £1,008,000 and the actual amount received was £1,156,772.

- 9.2 In 2021/22, the Council also received additional sources of income through its pre-application advice service. A total of £58,332 was received against a target of £55,110. 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 £24,134 against a budget of £24,000.
- 9.3 Legal cost arising from planning appeals in 2021/22 totalled £274,568 with a budget of £43,000 resulting in an overspend of £231,568.
- 9.4 In 2021/22, Development control spent £288,765 on agency staff & £164,898 on consultants which made an overall staffing overspend of £220,723. Compared to 2020/21, this is additional expenditure of £241,146 as £212,517 was spent on agency and consultants in 2020/21.

10. Legal implications

- 10.1 Set out in the report.

11. Corporate Plan implications

- 11.1 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.

12. Consultation

- 11.1 None

13. Risk implications

- 13.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 13.2 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.
- 13.3 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 and increases use of agency staff with associated higher costs</p>	<p>Appointment of recruitment consultants</p> <p>Supporting Officers Careers through training and modern apprenticeships</p> <p>Benchmarking against surrounding authorities to ensure competitiveness.</p>	Chris Brown
<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>	Stephen Meynell
<p>DLS.51 Housing Delivery Test</p>	<p>MHCLG published the Housing Delivery Test results in January 2021 and the Council has delivered 86% of it's housing requirement HBBC will continue to work on delivering new homes to ensure it does not continue to fail the HDT</p>	Stephen Meynell

14. **Knowing your community – equality and rural implications**

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

15. **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.

16. **Corporate implications**

- 16.1 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

Contact officer: Chris Brown

Executive member: Cllr D Bill