



## Hinckley & Bosworth Borough Council

### FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

FINANCE & PERFORMANCE SCRUTINY                      6 November 2017

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.

#### Overview

3.2 The service has seen considerable change in ways of working over the past four years partly in response to changes in government legislation / guidance, new council priorities for service delivery and service improvements. The service is now structured to work much more effectively as a single team, with staff supporting each other to deliver common goals. Greater emphasis is now placed on planning enforcement and monitoring than in previous years, introducing a more pro-active approach to recovering S106 payments, discharging planning conditions, tackling untidy land and breaches of planning control. The service also now operates with a dedicated 'major projects' team, which reflects the council's regeneration priorities for creating jobs, tackling skills shortages and the need to do as much as possible to bring forward major development sites (homes and jobs).

- 3.2 From a strategic planning perspective, the planning policy function now works much more closely with other authorities across the Leicestershire Housing Market Area to ensure it complies with the statutory 'Duty to Co-operate'. This close working is being reflected in the emerging Strategic Growth Plan which sets out an aspirational strategy for delivering houses and employment over the next 30 years. At a local level, the service is embarking on the deliver 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. Views on both pieces of work will be sought over the next few months.
- 3.3 Earlier this year, an arrangement was put in place with the Rural Communities Council (RCC) to provided dedicated support to local communities preparing Neighbourhood Development Plans (NDP). The RCC is working under a service level agreement 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.
- 3.4 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. An example of this has been HBBC's Building Control Manager who left the authority on 29 September 2017. In response to these pressures, new staff been appointed on a 'trainee' basis, with training provided to develop skills in-house. Discussions are currently underway with other authorities to explore opportunities for a shared service arrangement. This is to ensure that a local authority building control service can be provided on a long-term basis, with the necessary resilience to respond to staff turnover.
- 3.5 The past 12 months has seen relative stability within the planning applications work area. The service is receiving a good mix of application types and staff turnover has been much lower than in previous years. A new career grade scheme for professional staff is due to be introduced in the New Year to encourage the most capable and ambitious staff to progress at the authority. A new service manager was appointed in 2016 and this has provided a strong platform for introducing new procedures and working practices across the service.

#### Performance

- 3.6 The service received 1195 (excluding preapps) planning applications during the year to 31 March 2017. Of these 950 were approved. Planning Committee made decisions on 34 applications. Of these 32 were determined in accordance with the officer recommendation.
- 3.7 The speed of determining planning application continues to be a key performance indicator for the service. The table below shows how the service has performed against the target. This shows that performance has exceeded expectations.

**Table 1 – Planning Application Performance (Year to 31 March 2017)**

Application Type	Performance Target	Actual Performance
Major Applications	70%	76%
Minor Applications	80%	86%
Other Applications	90%	92%

- 3.7 Planning appeals performance remains a key requirement of government. Under-performance can lead to government intervention by removing decision making powers from local planning authorities. During the year to 31 March 2017, HBBC lost just 17% of appeals (five out of 29). This compares with the 2017 government target that an authority should not lose more than 10% of all decisions both approved and refused. It should be noted that the applications that tend to be determined at appeal are those that contentious and/or finely balanced.
- 3.8 As part of a review of processes last year, it was evident that it was taking officers far too long to check and validate planning applications. This was leading to criticism from agents and was reducing the amount of time for officers to determine applications. A new performance indicator has been introduced from April 2017 to ensure that most planning applications are validated within five days of receipt.
- 3.9 Last year (to 31 March 2017), 357 planning enforcement cases were received. Of those, 197 cases were deemed to be not a breach, 30 were found to be 'permitted development' and 132 were resolved either by negotiation or by approving a retrospective planning application. Serving enforcement notices is always the last resort. During 2016/17, 14 notices (all types) were served.
- 3.10 Performance indicators are in place to monitor the speed at which planning enforcement complaints are acknowledged and then to monitor the speed at which sites are visited following that complaint. During the year to 31 March 2017, all 99.74 of enforcement complaints were acknowledged within three working days and all sites were visited within seven working days. 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 a member 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.
- 3.11 The competitive nature of the building control service means it is important that high standards of customer service are maintained. In the year to 31 March 2017, 100% of Building Control certificates were issued within seven working days of final completion. 99% of Full Plans applications were determined on time and 470 out of 471 building control receipts were issued within four working days.
- 3.12 The council's planning policy team is measured against its performance against the Local Development Scheme (LDS). This document sets out the timetable for delivering the various local plan documents. The LDS envisaged, by 31 March 2017, that evidence would be gathered to inform the production of a consultation on an issues, scope and options document for the new local plan. That work is on-going. 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. There has also been a short delay because of purdah restrictions relating to the local elections for Burbage. A report will be taken to Council later in 2017 to seek approval to commence formal consultation early in 2018.
- 3.13 Government requires local authorities to have an up to date 5-year housing land supply (HLS). If the council can not demonstrate a 5-year HLS, the National Planning Policy Framework states that local planning policies for the supply of housing are out of date. This makes it difficult for councils to resist planning applications on unallocated sites, even if the scheme conflicts with an allocation in the local plan. HBBC has had a 5-year housing land supply since April 2014. The latest review, as at April 2017, shows the council to have a 5.74 year supply. This is despite the

delays by the developers in bringing forward the two Sustainable Urban Extensions. A consequence of this success is receiving less speculative planning applications, leading to fewer planning appeals.

- 3.14 From a conservation perspective, the council has 338 listed buildings, 28 conservation areas and 22 scheduled monuments. Advice is provided on planning applications relating to heritage matters on over 200 cases per year. Work is presently underway on preparing a Heritage Strategy for the borough. This will put the council in a strong position for leveraging in funding to improve the historic environment, such as a revised bid under the Townscape Heritage Initiative or works to improve Hinckley and District Museum.

#### Future Challenges

- 3.15
- Delivering our major schemes and site allocations
  - Maintaining our 5-year housing land supply
  - Securing the review of our local plan in a timely way
  - Securing adoption of the Strategy Growth Plan to support local plans and bid for funding for infrastructure.
  - Securing the long-term resilience of the building control service
  - Keeping our most skilled and ambitious staff
  - Appointing a suitable replacement Head of Planning
  - Aligning work streams to meet shifting government policies and priorities, such as the 2017 'Fixing our Broken Housing Market' White paper.
  - Maintaining high planning application and appeal performance to avoid intervention from government.

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

- 4.1 To be taken in open session.

#### 5. FINANCIAL IMPLICATIONS

- 5.1 The additional work the RCC are performing, as mentioned in paragraph 3.3, cost £31,000 and was funded from the Neighbourhood Development Grant.

- 5.2 As mentioned in paragraph 3.4 there has been pressures faced by the Building Control team. In 2016/17 for the budgeted income target was £223,000 and the actual amount received was £201,000.

- 5.3 In 2016/17 planning applications income was £739,000 compared against a budget of £925,000.

- 5.4 The legal cost associated with the Planning appeals in 2016/17 totalled £44,000 with a budget of £74,000 set meaning a net saving to the service of £30K.

#### 6. LEGAL IMPLICATIONS MR

- 6.1 None

## 7. CORPORATE PLAN IMPLICATIONS

7.1 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.

## 8. CONSULTATION

8.1 None.

## 9. RISK IMPLICATIONS

9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 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.

9.3 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
None.	n/a	n/a

## 10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

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

## 11. CORPORATE IMPLICATIONS

11.1 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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