


Agenda Item No:	8	
Committee:	Overview & Scrutiny	
Date:	3 June 2019	
Report Title:	2018/19 Planning Service Annual Review	

## 1. Purpose/Summary

To update Overview and Scrutiny on the performance and activity of the Planning Service in 2018/19.

## 2. Key Issues

- The Planning Service is an important function within the Council which enables housing growth, regeneration and economic development in the District; creating more homes and jobs for residents to enjoy.
- The Planning Service aspires to provide excellent customer service and sound planning advice in reaching decisions that have an impact on residents and the look and feel of our towns and villages.
- Members and the Planning Committee have a crucial role to play in the above in determining larger and more contentious planning applications using the policies set out in the Local Plan and using sound planning reasons.
- Key Performance Indicators, as measured by government, have been met for 2018/19 and the service performs well in terms of the quality of decision making e.g. success at defending decisions at appeal.
- The Planning Service is keen to learn from others and to this end the Local Government Association and Planning Advisory Service visited the Council to undertake an external peer review of the service in July 2018. An action plan to implement the recommendations from the review report was put in place, in consultation with Members, and good progress has been made on implementation as set out within the report.
- There have been challenges within the service in relation to pre application performance and validation performance due to resourcing issues which now have action plans in place to make improvements.

## 3. Recommendations

For Overview and Scrutiny are requested to note and provide comments on the attached report.

<b>Wards Affected</b>	All
<b>Forward Plan Reference</b>	N/A
<b>Portfolio Holder(s)</b>	<p>Councillor Dee Laws, Portfolio Holder for Planning, Fenland District Council</p> <p>Councillor Peter Hiller, Cabinet Member for Strategic Planning, Commercial Strategy &amp; Investments, Peterborough City Council</p>

<b>Report Originator(s)</b>	Nick Harding – Shared Head of Planning Carol Pilson – Corporate Director
<b>Contact Officer(s)</b>	Nick Harding – Shared Head of Planning Carol Pilson – Corporate Director
<b>Background Paper(s)</b>	LG/PAS Peer Review Report 2018 <a href="https://www.fenland.gov.uk/media/14961/PAS-Peer-Review-Final-Report-2018/pdf/Fenland_-_PAS_Review_Final_Report.pdf">https://www.fenland.gov.uk/media/14961/PAS-Peer-Review-Final-Report-2018/pdf/Fenland - PAS Review Final Report.pdf</a>

## 4 Background

4.1 On the 23rd July 2015, Fenland District Council agreed to join a Shared Planning Service arrangement with Peterborough City Council after the Overview and Scrutiny Panel (O&S) reviewed the proposal and business case at their meeting on the 13th July 2015. This proposal was built on the following key aims:

- To deliver efficiencies for both authorities.
- To maintain service delivery standards, and to improve them where possible and appropriate.
- To maintain individual ‘sovereignty’ for both Councils over planning delivery
- To ensure visibility to Members and customers of key staff.
- To maintain individual Council Planning Committees.

4.2 The Shared Service consists of a Shared Head of Planning, Shared Technical Support Manager and the ability to buy and sell services between the Councils.

## 5. Development Management Performance

### 5.1 Speed of Validation

Table 1 - Percentage of applications validated in 5 days.

2014/15	2015/16	2016/17	2017/18	2018/19
73%	73%	65%	83%	73%

5.2 Validation is the process by which officers within the Council check that planning applications submitted to us have all the necessary information required for them to be assessed by a planning officer. Through the PAS Review it was identified that often only 30% of applications submitted to us have the correct level of information first time round. This creates issues of capacity within the team in checking the

application, requesting further information, and then re-checking once additional information has been submitted. To try and resolve this issue we have worked proactively with Agents and Developers regarding the information we require to process applications.

5.3 2018/19 saw a dip in performance which occurred in the first 4 months of the year due to resourcing issues in relation to vacancies and annual leave. From month 5, performance bounced back to between 91% and 100%. The ability to have access to 'floating' resource from Peterborough City Council has been hampered by the latter having its own resourcing issues which has hit its performance. The delays in validation were made known to the Developers and Agents on our Forum as soon as it was identified that delays were likely to occur. Additional resources are being recruited.

### 5.3 Pre-applications

Table 2 - Response rate (within target) to pre-application enquiries

	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
<b>No of pre-application enquires</b>	171	189	142
<b>% responded to within target</b>	75%	57%	70%

5.4 The Council provides a pre-application service whereby agents, developers and residents can receive advice on their application before they submit it to us. The Service can then indicate whether a proposal is acceptable or not. This is a charged for service. The number of pre-application enquires has reduced by a significant proportion since the previous year but there has been an improvement in the proportion of responses being issued on time. Notwithstanding this, it is acknowledged that performance needs to be improved further.

### 5.5 Number of Planning Applications Submitted

5.6 The number of planning applications received has continued to fall however this year saw a greater fall than the previous year. The reason for this is not clear but the financial uncertainty around Brexit may have been a contributing factor.

Table 3 - Planning applications received from 2014 to 2019

<b>No of Applications Received</b>	<b>FDC</b>
<b>2014-15</b>	1256
<b>2015-16</b>	1338
<b>2016/17</b>	1400
<b>2017/18</b>	1372
<b>2018/19</b>	1245

### 5.7 Planning Fee Income

- 5.8 Planning Fees are set by Central Government. The Government increased (by 20%) the planning application fees in January 2018 and so 2018/19 has been the first full year that the fees have been in place. With the number of planning applications reducing, so has the level of income received as set out in Table 4.

Table 4 - Planning Fee Income

	2014/15	2015/16	2016/17	2017/18	2018/19
<b>Planning Application Income</b>	£0.755	£0.743	£0.702	£0.806	£0.705
<b>Pre-app Fee Income</b>	n/a	n/a	£44k	£57k	£62k

- 5.9 The pre-application service at FDC has continued to be popular and due to the profile of pre-applications received this year compared to last, income has increased even though the number of applications received fell.

#### 5.10 Speed of Decision Making on Applications

- 5.11 Fenland continues to be one of the best Councils in terms of speed of decision making and the already good performance has increased slightly this year compared to last. The Council can ask developers for extensions of time in which to determine applications. If this is mutually agreed then this can form part of our performance figures.

Table 5 - Performance Measurements

Performance Measure					
	2014/15	2015/16	2016/17	2017/18	2018/19
<b>Major Applications decided in 13 weeks (or within extension of time agreement)</b>	89%	91%	90% (23%)	97% (36%)	100% (40%)
<b>Minor applications decided in 8 weeks (or within extension of time agreement)</b>	85%	85%	86% (51%)	93% (53%)	94% (57%)
<b>Other applications decided in 8 weeks (or within</b>	93%	96%	97% (80%)	98% (77%)	99% (81%)

<b>extension of time agreement)</b>					
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Note: figures in brackets represent performance if there were no extensions of time agreements with applicants

- 5.12 The Government monitors speed of decision making via 24 month rolling performance target measure. In relation to this, we are currently performing as follows:
- 99% of major applications decided within 13 weeks (or within alternative extension of time agreement) – Government Target is 75%
  - 96% of major applications decided within 13 weeks (or within alternative extension of time agreement) – Government Target is 70%

So the service is performing well ahead of the Government requirement

### 5.13 Planning Appeals

A planning decision can be appealed if an application is rejected by an officer or by Planning Committee. Approvals cannot be appealed. Appeals performance has fluctuated over the last 3 years at both authorities. However, the number of appeals is modest and so consequently each appeal decision accounts for a significant percentage. Both Councils easily exceed new national performance standards so it can be said with confidence that the quality of decision making at each authority is good.

Table 6 - Appeals Performance

	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
<b>% Appeals Dismissed</b>	88%	74%	70%	64%	71%
<b>No of allowed appeals that were committee over turns (total number of allowed appeals in brackets)</b>	1 (2)	0 (5)	1 (6)	1(5)	2(11)
<b>Award of costs against LPA</b>	0	2	2	1	1

- 5.14 A total of 38 appeal decisions were received in the year with the Council being successful in 71% of cases. The majority of decisions on applications that went to appeal were determined by officers with 11 of those decisions being successfully challenged at appeal (no awards of costs were made in respect of such cases. In relation to 1 appeal, Committee resolved to refuse planning permission contrary to officer recommendation and the appeal was unsuccessful. In 2 other appeals where Committee did not agree with the officer recommendation and refused the applications, the appeals were lost and in 1 case an award of cost was made against the Council.

### 5.15 Planning Compliance

Table 7 - Planning Compliance Performance

	2014/15	2015/16	2016/17	2017/18	2018/19
No of Service Requests	336	289	363	330	282
No of cases closed	291	369	357	359	296

We received approximately 50 fewer cases in 2018/19 and closed approximately 50 fewer cases. The backlog of cases arises from the time when the service was less well resourced. A number of cases are complex and are taking longer to investigate and action as necessary. With regard to the cases closed in the year:

- In 54% of cases no breach of planning control was found to have taken place (82% of these cases were closed within the target timescale of 56 days)
- In 17% of cases the breach was resolved through the grant of retrospective planning permission
- In 13% of cases the breach was resolve voluntarily by the owner / occupier
- In 5% of cases the owner / occupier complied with a formal enforcement notice that was served
- In 5% of cases it was not expedient to take any action

#### 5.16 Conservation

5.17 The Conservation team spend the majority of their time on providing comments on planning applications and other applications that relate to heritage buildings and development in conservation areas. In addition the team have supported projects within the Wisbech High Street Heritage Lottery Fund project and facilitated 4 grants (with a value of £5k) to help 4 owners maintain their heritage buildings. In the year the team completed the Conservation Area Appraisal & Management Plan for Whittlesey.

#### 5.20 Customer Feedback

5.21 In 2018/19 we received a total of 86 communications from customers. Of these 18 were complementary about the service. 4 neutral comments were received. The remainder (64) were complaints. The majority of these were resolved at Stage 1 of the Council's complaint system with only 13 progressing to Stage 2 with only 8 of these moving to Stage 3. No complaints regarding the service were considered by the Local Government Ombudsman.

We analyse the nature of the complaints received the majority of which are related to decisions made.

The Council has a regular Agents and Developer's Forum whereby we discuss topics of mutual interest in improving housing growth in the District as well hear customer feedback on the service. It is also an excellent forum to hear from external partners such

as Highways, Internal Drainage Boards etc. to understand how we best work together in Fenland for the best planning outcomes.

## 6.0 Planning Advisory Service Peer Review Action Plan

The review took place in July / August 2018 and from the recommendations a series of improvement actions were identified. Below is a summary of the actions and progress to date:

Action Proposed	Progress & Commentary
1. All member PAS review feedback session	Completed
2. Training event for planning committee -quality of decision making	Completed
3. Training event for planning team and those service areas that assist the planning service incorporating development of process improvement proposals	Partially completed. Programme of events in place
4. Instigate production of new local plan	Completed - Formal decision to produce a new plan made by Council in February 2019.  All Member Workshop scheduled for 30 <sup>th</sup> May 2019.
5. Member engagement re preparation of new local plan (incorporates role of plan in delivery of corporate priorities)	Initial all member event on 30 May 2019 to kick start the local plan process.  A Member Working Group will be established to steer the production of the Plan.
6. Review scheme of delegation (applications determined by committee / officers)	To be revisited with the Planning Committee. Members wished to await the new administration before making any changes.
7. Identify how FDC could best assist in the delivery of new development	Partially completed Review of Economic Development has recently been completed and once in place co-ordination with Planning will be established Corporate Investment Strategy is under development Partner Stakeholder Event scheduled in June to engage the Combined Authority & Homes England etc. in how we can accelerate housing growth in Fenland Assistance with Wisbech East Broad Concept Plan which has been adopted and a planning application is due in the Autumn.

8. Continue to horizon scan for funding opportunities	Ongoing – bids made recently include: <ul style="list-style-type: none"> <li>- Garden Town bid to Government</li> <li>- High Street bid to Government</li> <li>- Combined Authority</li> </ul>
9. Project Management & Customer Expectation Management Training	Partially completed No suitable training found re project management in the context of handling planning applications but internal improved processes are now in place re application management Relevant staff have been attending customer service training
10. Customer Forum discussion re: improving validation rates, case management of applications and refocus of the forum	Partially completed Validation training event being held in June Forum accepted that weak applications can't be carried by FDC planning due to impact on the other applications (improved case management now implemented) Election of chairman for the forum is pending at which point the focus of the forum will be debated
11. Improve FDC Members & Town & Parish Councils ability to self-serve re. planning applications and appeals	Completed. We will ensure all FDC members (from the start of the new administration) have registered with the on line 'public access' system so they can receive information about applications and appeals
12. Evaluate cost of connector to link planning portal submissions into Idox system & implement if project approval given	Not completed The Portal now charge applicants a fee for submitted applications and there has been a significant drop off of users which makes the purchase of the connector not cost effective
13. Broaden email by default facility on Idox	Completed
14. Put forward business case for buying performance management tool (enterprise), GDPR cleansing module, and ensuring system is used to its greatest potential	Partially completed. Project is now engaged with all FDC service areas that use Idox to ensure that any improvements are coordinated
15. Evaluate cost / benefit of facilitating remote & mobile working and submit a budget bid as appropriate	Not completed This is a FDC wide project and its consideration is being looked at in the context of a new FDC ICT Strategy
16. Review staffing levels	Partially completed. Additional resources have been agreed and recruitment is ongoing.

## 7 Shared Planning Service

Peterborough City Council and Cambridgeshire County Council recently made the decision to share an Executive Director which covers the service area of planning of both authorities.



## **8 Other Activity**

Other highlights for the year include:

- In May 2018 the Council recovered its housing supply situation and was able to declare that a 5 year supply was in place (and we have successfully defended a number of appeals on this point during the year)
- The Government published the national results and Fenland was shown to have passed the 'housing delivery test'
- In May 2018 we adopted (having prepared) the Broad Concept Plan for East Wisbech and this has paved the way for the preparation of an outline planning application, the submission of which is expected in the Autumn of 2019
- Granted planning permission for c 900 dwellings