

## **PLANNING DEVELOPMENT MANAGEMENT – RESOURCES**

<b>Head of Service:</b>	Justin Turvey, Interim Head of Place Development
<b>Wards affected:</b>	(All Wards);
<b>Urgent Decision?</b>	No
<b>If yes, reason urgent decision required:</b>	N/A
<b>Appendices (attached):</b>	None

### **Summary**

Whilst performance in relation to ‘Major’, ‘Minor’ and ‘Other’ planning applications which are reported to central government remains very strong, there is a backlog in dealing with other work undertaken within Development Management, including types of applications which are not reported to government and applications for works to trees.

The report seeks approval for additional resources to enable the Planning Development Management Service to procure consultancy support to clear the current backlog in tree and planning-related applications.

### **Recommendation (s)**

#### **The Committee is asked to:**

- (1) Agree to procure consultancy support to clear the backlog of tree and planning-related applications.**
- (2) Approve the allocation of up to £60,000 from the Corporate Projects Reserve to the Development Management Service budget to enable the additional resource.**
- (3) Note that when the outcome of government’s proposed planning fees increase is known, a further report will be produced to consider the impact on planning resourcing and budgets.**

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### **1 Reason for Recommendation**

- 1.1 Whilst the Development Management Service has performed significantly above national targets for over a year now in terms of Major, Minor and Other planning applications which are monitored by government, a backlog exists with certain other types of applications, including those for works to trees and applications to discharge planning conditions on approved schemes.
- 1.2 Whilst performance on this type of work is not reported to government, the delays to these applications negatively affects residents as they have to wait longer for approval for tree works or to carry out schemes which have planning approval.
- 1.3 To reduce the current backlog and ensure that the Council provides the service that our residents expect, this report seeks approval for additional resources of up to £60,000 to secure support from tree and planning consultants.

### **2 Background**

- 2.1 The Council's Development Management service deals with all applications for planning permission, advertisement consent, listed building consent, work to trees protected by tree preservation orders (TPO's) or which are within a Conservation Area, prior notifications and changes of use under the permitted development regime, as well as the enforcement of breaches of planning control.
- 2.2 Development Management is a statutory function operating under primary and secondary legislation, guided by government guidance, case law and the locally adopted statutory Development Plan. It is one of the key public-facing services provided by the Borough Council.
- 2.3 In July 2021, Strategy and Resources Committee approved the allocation of up to £190,000 to the Development Management Service to retain senior agency staff to manage the team, provide planning enforcement support, procure consultancy support to help deal with planning applications and to undertake a review of the Development Management Service. Following that support, recruitment of permanent staff was undertaken (along with interim cover) and this has led to a much more stable situation in terms of staffing and performance.
- 2.4 The performance of Local Planning Authorities is measured by central government through the speed with which planning applications are dealt with and through the quality of decisions made (how many decisions are allowed against the Council's decision by the Planning Inspectorate at appeal). Planning applications fall into three categories:
  - Major developments (10 or more dwellings, floorspace of over 1,000sqm or a site area of one hectare or more).

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- Minor developments (up to 9 dwellings, floorspace of less than 1,000sqm or site area under one hectare).
  - Other development (householder applications, changes of use, advertisement consent, listed building consent).
- 2.5 Following a period of poor performance up to 2022 and the threat of designation from central government, the Council has made great efforts in improving performance on Minor & Other planning applications. Performance on Minor & Other planning applications has remained significantly above government targets for 5 successive Quarters now, and also continues to be well above targets for performance in relation to Major planning applications and in terms of the quality of decision making, where the Council is not at threat of designation.
- 2.6 However, as well as Major, Minor and Other planning applications, the Council's Development Management Service is responsible for a number of other types of applications which are not reported to central government or monitored by them, including:
- Works to trees protected by TPO's
  - Works to trees located within Conservation Areas
  - Discharge of conditions on planning applications which have been approved
  - Certificate of Lawfulness applications to demonstrate that a development is 'permitted development'
  - Prior approvals including some larger home extensions, telecommunications, conversions of offices to residential, erection of dwellings above commercial units
  - Non-material amendments to planning permissions
  - Pre-application discussions.
- 2.7 Dealing with Major, Minor and Other planning applications is just over 50% of the workload of a Development Management Service, with the other types of applications being just under 50%. As of the 1<sup>st</sup> July, the service had a total caseload of 415 applications, of which 210 were Major, Minor or Other planning applications and 205 were other types of applications, including around 100 applications for works to trees.
- 2.8 Whilst the majority of planning applications are within time (i.e. within their 8 or 13 week target for determination), the majority of the other types of applications are beyond their target time for determination (around 75% of these applications).

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- 2.9 Although performance on applications which are not Major/Minor/Other is not reported to government, it is still considered important to address the backlog as they directly affect the Borough's residents and delays in dealing with applications for tree works and other proposals is leading to complaints from customers regarding the service they receive.
- 2.10 The Business Process Review of the service undertaken by a consultancy (4OC) during 2022 identified that, based on the volume of the various types of work undertaken by officers, the service was understaffed by the equivalent of one Planning Officer. The volume of work and focus on Major, Minor and Other applications has meant that a backlog of other types of applications remains and is likely to persist. In addition, the work undertaken by the Council's Tree Officer in respect of Ash Dieback, emergency tree works and work relating to the tree contract has meant that the backlog of tree applications remains high. Consideration needs to be given to how to manage this volume of work in the short and long term.

### 3 Proposal

- 3.1 In order to address the backlog in tree and other types of applications, the following is proposed:
- 3.1.1 Securing a planning consultant to assess a number of householder applications for a period of up to 6 months to enable officers to deal with the current backlog of other types of applications. The Council had secured consultants during 2021 and 2022 to deal with householder applications previously. The cost of this would be up to £35k to cover approximately 200 applications.
- 3.1.2 Securing a tree consultant to deal with the backlog of tree-related applications for a period of up to 6 months. The Council has not recently engaged consultants in respect of tree works, although a number of consultants had been used by the Council prior to 2021. The cost of this would be up to £25k to cover approximately 150 applications.
- 3.2 The Council has used external consultants to undertake application work on behalf of the authority previously – three sets of consultants have previously dealt with a number of tree-related applications, and more recently two different planning consultancies undertook planning application work during 2021 and 2022.
- 3.3 Whilst this report considers a short term solution, in terms of managing the number of applications beyond this funding, there will need to be consideration for future staffing levels within planning to maintain the improvements made. It is noted the government intends to increase fees for planning applications later this year; when the outcome of government's planning fee proposal is known, a further report will be produced to consider the impact for planning resources and budgets.

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### 4 Risk Assessment

Legal or other duties

#### 4.1 Equality Impact Assessment

4.1.1 Delays to dealing with certain types of applications could have a negative impact on those waiting for decisions.

#### 4.2 Crime & Disorder

4.2.1 None for the purposes of this report

#### 4.3 Safeguarding

4.3.1 None for the purposes of this report

#### 4.4 Dependencies

4.4.1 None for the purposes of this report

#### 4.5 Other

4.5.1 None for the purposes of this report

### 5 Financial Implications

5.1 It is proposed that the one-off allocation be funded from the Corporate Projects Reserve.

5.2 Allocating £60,000 from this reserve would reduce the balance available for other projects from £2.43m (if the requested allocation at agenda item 8 is approved) to c.£2.42m.

5.3 Council has agreed to retain a minimum uncommitted balance of at least £1m in this reserve.

5.4 **Section 151 Officer's comments:** Any one-off funding allocation should be linked to clear a deliverable for addressing the existing backlog, as well as a service operational plan within available resources to mitigate the risk of further backlogs developing in future.

### 6 Legal Implications

6.1 To ensure compliance with Contract Standing Orders (CSOs), in particular para 8 – Temporary Staff, Consultants and Professional Services – engaging two consultants will require preparation/review of respective contracts and compliance with other relevant CSOs.

6.2 Any further legal implications associated with the recommendations will be assessed as the project develops.

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6.3 **Legal Officer's comments:** Nothing further to add to those comments at 6.1 and 6.2 above.

### 7 Policies, Plans & Partnerships

7.1 **Council's Key Priorities:** The following Key Priorities are engaged:

7.2 **Service Plans:** The matter is included within the current Service Delivery Plan – improvement to statutory and non statutory performance.

7.3 **Climate & Environmental Impact of recommendations:** Planning decisions, including those relating to works to trees, may have climate and environmental impacts.

7.4 **Sustainability Policy & Community Safety Implications:** Planning decisions have a role to play in delivering sustainable development.

7.5 **Partnerships:** None

### 8 Background papers

8.1 The documents referred to in compiling this report are as follows:

**Previous reports:**

- None

**Other papers:**

- None