


Agenda Item No:	8	
Committee:	Overview & Scrutiny	
Date:	8 November 2021	
Report Title:	2020/21 Planning Service Annual Review	

1. Purpose/Summary

To update Overview and Scrutiny on the performance and activity of the Planning Service in 2020/21.

2. Key Issues

- Performance indicators for the year have either been met or within tolerances notwithstanding the challenges arising from the pandemic.
- The service performs well in terms of quality of decision making (success at defending decisions at appeal).
- Increase in workloads and number of applications being presented to committee / number of meetings has been challenging to meet.
- There has been a reduction in the trading of services (other than in connection with the production of the emerging local plan for Fenland) as there have been staffing reductions in staffing levels at Peterborough and Fenland staff are at capacity with Fenland work.

3. Recommendations

That Overview and Scrutiny are requested to note the attached report.

Wards Affected	All
Forward Plan Reference	N/A
Portfolio Holder(s)	Cllr Dee Laws, Fenland District Council, Cabinet Member for Planning Cllr Peter Hiller, Peterborough City Council, Cabinet Member for Strategic Planning, Commercial Strategy & Investments
Report Originator(s)	Nick Harding – Head of Planning Carol Pilson – Corporate Director
Contact Officer(s)	Nick Harding – Head of Planning Carol Pilson – Corporate Director
Background Paper(s)	None

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 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 When O&S considered the Annual Service Report in 2019, the highlights of the discussion were as follows:

- That consideration should be given to benchmarking the speed of determination of applications
- Are apprenticeships being proposed? (we have 4 officers in the team engaged on these)
- The officers should continue to work with applicants to improve the quality of their schemes
- The pending review of the local plan should seek to allocate sites that have good prospects for delivery
- There should be thorough engagement with members on the local plan

5. Development Management Performance

5.1 Speed of Validation

There have been unsatisfactory backlogs (up to c4 weeks) of applications awaiting validation checks in 2020/21. The team is tightly resources and no longer has access to a 'top up' service provided by Peterborough. The reduction in productivity has come about due to the impact of covid 19 on staff and working arrangements, several significant ICT outages, staff sickness and turnover of staff whereby new staff are still in their training periods. Some additional temporary staff have been brought in and a review of processes and workflows is expected to start this year as part of the My Fenland project.

5.3 Pre-applications

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

	2016/17	2017/18	2018/19	2019/20	2020/21
No of pre-application enquires	171	189	142	162	153

% responded to within target	75%	57%	70%	67%	69%
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5.4 The number of pre-applications enquires dipped slightly in 20/21 as might be expected with the impact of covid, but not significantly so. The speed of decision making has remained at a steady level. Whilst there has been pressure in respect of the delivery of the statutory planning application service during the last year, it has been commendable that the pre-application service has been maintained at this level of performance.

5.5 Number of Planning Applications Submitted

5.6 The number of applications received has continued to fall but only slightly. The picture so far in 2021/22 shows that we are likely to get more applications in the year (c1300). The applications this year have also been more complex for larger developments for both residential and commercial.

Table 3 - Planning applications received from 2014 to 2019

No of Applications Received	FDC
2014-15	1256
2015-16	1338
2016/17	1400
2017/18	1372
2018/19	1245
2019/20	1205
2020/21	1189

5.7 Planning Fee Income

5.8 The fee income in 2020/21 was reduced due to the impact of the pandemic, though perhaps not to such a significant scale as could have been the case. For 2021/22 income is significantly up and it is expected that it will exceed £800k by year end.

Table 4 - Planning Fee Income

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Planning Application Income	£755K	£743K	£702	£806K	£705K	£796K	£719K
Pre-app Fee Income	n/a	n/a	£44k	£57k	£62k	£70k	£59k

5.9 The pre-application service at FDC has continued to be popular through the pandemic impacted on income and the number of applications received.

5.10 Speed of Decision Making on Applications

5.11 Fenland continues to be one of the best Councils in the country in terms of speed of decision making and though there has been a slight drop in minor application performance when comparing performance in 2020/21 with 2019/20. Reliance on extensions of time has increased in 2020/21 compared to the previous year (for minor and other applications). This has been because of:

- Validation backlogs
- Reduced efficiencies arising from the emergency working from home arrangements and or carer responsibilities related to the pandemic
- Reduced capacity of staff due to apprenticeship commitments
- Loss of productive days due to ill health and several significant ICT outages
- Increased number of applications going to Planning Committee and additional meetings required to facilitate this partly due to changes in the scheme of delegation. There have been 7 additional meetings to facilitate so far this calendar year.

Table 5 - Performance Measurements

Performance Measure	2014/15	2015/16	2016/17	2017/18	2018/19	2019/21	2020/21
	Major Applications decided in 13 weeks (or within extension of time agreement)	89%	91%	90% (23%)	97% (36%)	100% (40%)	100% (22%)
Minor applications decided in 8 weeks (or within extension of time agreement)	85%	85%	86% (51%)	93% (53%)	94% (57%)	96% (62%)	75% (51%)
Other applications decided in 8 weeks (or within extension of time agreement)	93%	96%	97% (80%)	98% (77%)	99% (81%)	97% (85%)	97% (76%)

Note: figures in brackets represent performance if there were no extensions of time agreements with applicants

In terms of benchmarking the national average for performance (with extensions of time taken into account) is:

Majors – 88%

Minors – 84%

Others – 89%

we perform significantly better on major and minor applications.

Countrywide, only 9 Councils perform as well as Fenland on the speed of determination of Major applications and only 125 Councils perform better than Fenland on the determination of non major applications (minors and others combined) [there are 332 Councils that are benchmarked].

In relation to the average performance (taking extensions of time into account) of councils in our region:

Majors – 87%

Minors – 85%

Others – 89%

we perform significantly better on major and minor applications.

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:

- 100% of major applications decided within 13 weeks (or within alternative extension of time agreement) – Govt Target is 75%
- 92% of non-major applications decided within 13 weeks (or within alternative extension of time agreement) – Govt Target is 70%

So the service is performing well ahead of the Government requirement.

5.13 Planning Appeals

Table 6 - Appeals Performance

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
% Appeals Dismissed	88%	74%	70%	64%	71%	69%	82%
No of allowed appeals that were committee overturns (total number of allowed appeals in brackets)	1 (2)	0 (5)	1 (6)	1(5)	2(11)	1 (11)	0 (3)

Award of costs against LPA	0	2	2	1	1	1	1
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5.14 The number of appeals has dropped considerably in the last 2 years (49 in 2019/20 and 17 in 2020/21). This will be because of the slowdown in appeals being heard during the height of the pandemic and due the reduction in the number of applications refused planning permission (the number of applications given planning permission against officer recommendation). The award of cost in 2019/20 (£1200) was in relation to an enforcement appeal that followed the refusal (overturn and in the previous year) of planning permission. The award of cost in 2020/21 (£1980) was in relation to a successful appeal on an officer delegated refusal. It should be noted that all appeal outcomes are reported to planning committee as and when we get notified of the outcome.

6 Planning Compliance

6.1 The number of service requests continued to increase compared to the previous year. Due to covid restrictions we were not able to investigate cases as we would normally do so and consequently the number of case closures reduced.

Table 7 - Planning Compliance Performance

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
No of Service Requests	336	289	363	330	282	302	319
No of cases closed	291	369	357	359	296	310	274

6.2 . With regard to the cases closed in the year 2019/21:

- In 50% 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 21% of cases the breach was resolved through the grant of retrospective planning permission
- In 21% of cases the breach was resolve voluntarily by the owner / occupier
- In 1% of cases the owner / occupier complied with a formal enforcement notice that was served
- In 6% of cases, it was not expedient to take any action
- In 1% of cases, it was found that the case was a duplicate of one on the system or that it was a county matter enforcement case

6.3 With regard to the cases closed in the year 2020/21:

- In 46% 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 20% of cases the breach was resolved through the grant of retrospective planning permission

- In 20% of cases the breach was resolve voluntarily by the owner / occupier
- In 1% of cases the owner / occupier complied with a formal enforcement notice that was served
- In 10% of cases, it was not expedient to take any action
- In 3% of cases, it was found that the case was a duplicate of one on the system or that it was a county matter enforcement case

7 Conservation

- 7.1 The majority of the time of the team is spent on providing comments on planning applications / other applications that relate to heritage buildings and development in conservation areas. Other activity has included:
- Safeguarding of Ely House, Wisbech prior to renovation works commencing
 - 11 – 12 High St Wisbech project
 - Section 215 activity in Wisbech High St
 - Coates Conservation Area Appraisal & Management Plan
 - Safeguarding / intervention 19 North Brink (building at risk)
 - Input to Problems Property Group
 - Facilitation of Listed building consent to enable Wisbech Museum to receive grant aid

8 The Future of the Shared Planning Service

- 8.1 Peterborough City Council has commissioned the LGA to undertake a review of the planning service of the Council. It is expected that the review will publish its report by the end of December 2021.

9 Other Activity

- 9.1 Other highlights for the year include:
- In September 2021 the Council was able to declare that its housing land supply was more than 6 years
 - Work on the emerging Local Plan started in 2019/20 and has engaged with members as part of this process. During the preparation of the plan considerable effort is going in to ensuring that the sites to be put forward as allocations are deliverable. A draft plan is expected to be brought to members for consideration prior to public consultation in the new year
 - Completion of the Parson Drove Neighbourhood Plan process

10 Conclusion

The service has continued to perform well in terms of the speed of the determination of planning applications (notwithstanding the various challenges that the team have faced) and in terms of the quality of decision in the context of the low number of appeals lost by the Council. There are delays in the validation of new applications, but work is being done to recover performance and a review of processes etc is due to start soon.