

<b>Report to:</b>	<b>Policy and Performance Advisory Committee</b>
<b>Date:</b>	<b>27 January 2022</b>
<b>Title:</b>	<b>Update on the Planning Service</b>
<b>Report of:</b>	<b>Head of Planning</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of report:</b>	<b>To advise on the operations &amp; functions of Planning Service</b>
<b>Officer recommendation(s):</b>	<b>(1) To note the updated information within the report (2) To report back to PPAC in 6 months on performance against actions as highlighted with this report.</b>
<b>Reasons for recommendations:</b>	<b>To provide an efficient and economic Planning service that is responsive to its customer base.</b>
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## **1. Introduction**

1.1 Members will recall that the Head of Planning reported to the Policy and Performance Advisory Committee in September 2020 and again in January 2021. These reports looked primarily at the Development Management (Planning Applications) section of this Planning Service, this report builds on the earlier reports and supplements with additional information regarding Building Control and Planning Policy.

1.2 The Planning First Department has been established to bring under one Service Head the accountability for delivery of a range planning related functions:

1.3 Building Control: Responsible for ensuring compliance with the National Building Regulations. These regulations provide a minimum framework within which developers can obtain certification that their proposed development is safe and structurally sound.

1.4 Planning Policy: This aspect of the Planning First delivers the strategic vision as to where the development/growth should be accommodated and provides the evidential material to support this vision.

1.5 Development Management: This aspect of Planning First handles the administration and determination of planning applications. These cases as highlighted by the constitution can either be determined at planning committee or via delegated powers.

1.6 This report will cover each element of the service in more detail in the sections below

## **2. Building Control**

2.1 This is one area that is open to a competitive marketplace and as such the developer can choose to engage with the Local Authority Building Control or access an Approved Inspector under a private arrangement.

2.2 This market share (i.e. those that use our service) is crucial in determining that the service can operate at a financially balanced level. The main costs to the service are salary and central recharges; one key tenet is that the service is not permitted (under financial regulations) to make a profit from its business activity.

2.3 Officers have recently undertaken a review of the chargeable elements of the building control works and produced a new fees schedule, as part of this process a balance needed to be struck to in order to ensure that any increase in the fees did not direct work towards the approved inspector(s). A review during the last calendar year is that the service has sustained its market share of approximately 65%.

2.4 In April 2021 the Councils internal audit department undertook a review of the Building Control Service and identified that they were fully assured that all aspects of the service area were covered, and the risks (reputationally) were low.

2.5 The Building Control Service are fully staffed with direct employees.

## **3 Planning Policy**

3.1 The Planning Policy service is currently scoping the next iteration of the Local Plan and have been working closely with The Planning Advisory Service to provide a peer review of the Councils action plan to meet the delivery of the Local Plan at pace.

3.2 The high-level conclusion of this peer review was that the dept was under-resourced and lacked the supporting information to bolster the Local Plan.

- 3.3 Given the above and it was a recommendation that there was a high probability that the Local Plan would not be progressed at the pace required.
- 3.4 As a direct response to this peer review two Senior Policy Officers have been recruited and started with a dedicated remit to work solely on the development of the Lewes Local Plan.
- 3.5 In addition, a budget of £450K has been agreed to support the delivery of the evidential material to support the Local Plan. This financial package will support further engagement with AECOM a consultancy planning service. This consultancy arrangement should be in place by the end of January 2022.
- 3.6 A session for all Councillors has been arranged (Mid-January 2022) where officers will deliver a high level summary of the outputs from the first iteration of the Land Availability Assessment (call for sites) and also the recent consultation in regards to the Issues and Options document. Both documents mark the first stages of the next local plan. Further Member engagement will occur as the Local Plan progress.

#### **4. Development Management**

- 4.1 Members will be aware that this element of the service was the focus for the two earlier reports to PPAC and below are listed the current performance levels and staffing levels for the section.
- 4.2 Planning Committee
- 4.3 Under the stewardship of the Planning Advisory Service a peer review of the form and function of Lewes Planning Applications Committee was concluded in April 2021.
- 4.4 The main outputs/issues from this review related to the holding of virtual committees and these have fallen away now that face to face meetings are in place. Notwithstanding the review concluded that the business of planning committee was conducted in a timely and professional manner.
- 4.5 It was acknowledged by this review that the business of planning committee was to determine the most significant planning applications and those referred to it by the scheme of delegation. As such the arena of planning committee can often be a where opposing views are aired and explored. Whilst there is often a divergence of opinion at planning committee these relate to the balancing of material planning considerations and are a matter of planning judgment.
- 4.6 There are no outstanding issues falling from this peer review.

#### 4.7 Development Management (Speed of Performance)

4.8 In terms of this area of the Service there are three Performance Indicators that are reported to Cabinet on a Quarterly basis and these relates to:

- The speed of determination of Major planning applications – currently running at 71% against a PI of 60%.
- The speed of determination of Non-Major planning applications – currently running at 65% against a PI of 70%.
- The number of major appeals overturned as a % of all applications received – currently running at 3.3% against a PI of 10%.

4.9 In addition to the three performance PIs referred to above there is a local one relating to the speed of validation. Our internal PI for this is 5 working days. We have underperformed in relation to this PI given the high volume of applications received and the training/onboarding of new colleagues.

4.10 For the calendar year 2021 the validation rate was 20% against a PI of 80%. There was a marked pick up in performance in the last quarter showing 56% of cases validated within 5 working days. This is reflective of the training and onboarding of new starters. This is expected to increase further into 2022 and the first two weeks into the new year the validation rate is at 84%.

4.11 Officers are currently engaging with the Planning Advisory Service regarding taking advice on National best practice to turn around the above performance statistics.

#### 4.12 Development Management (Planning Conditions)

4.13 One area of concern raised by regular agents/applicants is that for some permissions are not 'spade ready' in that there is a requirement for the developer to undertake further work to discharge conditions placed on planning approvals.

4.14 It is acknowledged that to some extent the conditions that are imposed on planning approvals follow the responses from consultees like highways and drainage/flooding. However, this issue has been brought up at planning user group and the Team Leader for Lewes has been invited to keep this under review.

#### 4.15 Development Management (Area Teams)

4.16 The service area has re-profiled its functions to allow for staff to specialise in a geographical area allowing for Lewes applications to be validated and determined independently from other areas (Eastbourne and the National

Park). This has allowed for officers to gain greater knowledge for their patch.

4.17 The National Park Team are currently carrying vacancies and senior level (X2FTE), we are working closely with the Park to fill these roles.

4.18 The Lewes team do not have any vacancies, however given the high volume of cases on the books and coming through the service CMT has agreed the potential of additional resource into this team. Each officer within the Lewes team has an active case load of around 100 live cases; there is no industry standard for the size of an active case load but in order to provide the level of engagement with customers and support to planning applications then their active caseloads should be around 30-50.

4.19 As well as adding permanent staff officers are also exploring consultancy support to help with current caseload.

#### 4.20 Development Management (Public Engagement)

4.21 This is an area where over the last calendar year we have received complaints with the main area of concern being the lack of contact with staff and the failure to respond in a timely manner. It is recognised that this is area of attention for the up-coming year.

4.22 To support this issue, we now have a dedicated duty officer on rota basis to take direct service calls.

4.23 To support home working all staff now have work mobiles and their direct contact details have been forwarded to the members of the Planning User Group. In addition the Members of Planning User Group have been invited to contact directly the Team Leader for Lewes and or the Head of Planning with any issue over the failure to make contact with officers and their failure to respond.

4.24 Over the upcoming Quarter there will be further mystery shopping to self-inform the ease of contact and speed of response.

## **5. Conclusion and further actions**

5.1 Elements of the service; building control and planning policy are delivering what is expected of them and the development management is currently underperforming in some key areas.

5.2 Action points to move forward the improvements to the Development Management performance

- To continue with the Quarterly report of National PI's relating to speed of processing planning application
- Officer to continue to monitor the local PI in terms of speed of validation
- Initiate a programme for mystery shopping
  
- Engage with The Planning Advisory Service for a peer review and to obtain national best practice with a to improve the speed of determination for planning applications
- Officers in consultation with CMT to review additional staffing or consultancy support to assist in the delivery of the prompt planning applications.
- Team Leader for Lewes to review on an ongoing basis the volume and appropriateness of pre-development conditions on planning approvals.