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Dear Member

OVERVIEW AND SCRUTINY BOARD - WEDNESDAY, 17 MARCH 2021

I am now able to enclose, for consideration at the Wednesday, 17 March 2021 meeting of the Overview and Scrutiny Board, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
4.	Planning Action Plan	(Pages 5 - 23)

Yours sincerely

Teresa Buckley
Clerk

Meeting: Overview & Scrutiny Committee

Date: 17th March 2021

Wards Affected: All

Report Title: Update on Review of the Planning Service

When does the decision need to be implemented? Immediately

Cabinet Member Contact Details: Mike Morey, Cabinet Member for Infrastructure, Environment and Culture, mike.morey@torbay.gov.uk

Director/Assistant Director Contact Details: David Edmondson, Assistant Director Planning, Housing and Climate Emergency, david.edmondson@torbay.gov.uk

1. Purpose of Report

- 1.1 The new Director of Planning Housing & Climate Emergency was keen to undertake a review of the Planning Service on starting last year and whilst this review has identified a considerable number of challenges within the Service, overall it is recognised that there is an incredible spirit and commitment within the teams and a keenness to provide a good quality planning service.
- 1.2 There are four elements to the Service, within the Place Directorate: The Development Management function; the Planning Support Service; the Strategy & Project Management Service (which includes Planning Policy) and the Building Control service. Recently Service Business Plans have been prepared for all four parts of the Service and these are currently undergoing scrutiny by the Performance Team and Members, these again identify issues that need to be addressed in the coming months. It is understood that these will be published.
- 1.3 The focus of this report centres around the Development Management & Planning Support Services, following the O&S key lines of inquiry which centre around the three key issues below:
 - performance of the service
 - lack of capacity
 - inconsistency of service delivery and decision making
- 1.4 It is the determination of planning applications and the handling of enforcement matters that the community are most concerned over and there have been, and continue to be, a number of challenges present, preventing that better quality service.
- 1.5 This Initial Action Plan is seeking endorsement from Overview & Scrutiny Panel and the ongoing overseeing of the actions.

2. Reason for Proposal and its benefits

- 2.1 We want a Planning Service that is efficient, delivers on the council's standards of communication, assists in delivering the economic regeneration, investment proposals and new housing proposals planned for Torbay.

We want Torbay to be a place where the planning service is respected and acknowledged for its timely consideration of applications, swift provision of pre-application advice and efficient handling of enforcement matters.

Our vision is:

Objective - 'To become a more responsive, interventionist, facilitative and positive Planning Service'.

Through - Change in processes, behaviours, commitment & communication.

Outcome - A better public perception, better feedback, better development, leading to a better Torbay

- The Service needs to be 'fit for purpose' in the new emerging Planning System
- Set new standards for the quality of development
- Play our important part in the regeneration of our towns.
- Develop a sense of pride in the Service
- Offer an exemplary level of service to our customers and all those involved in the development process.

- 2.2 It is fair to say that the Coronavirus Pandemic has not assisted the smooth delivery of the planning function over this past year and whilst the teams have adapted incredibly well, incorporating new technology, the working from home/solitary working has not helped performance. Need to reduce excessive caseloads. It has not helped either the development of many of our young planners, with the opportunities for shared learning in a shared environment considerably reduced.
- 2.3 If the actions are approved, the proposals in this report will help the Place Directorate, and Torbay Council to improve upon its current reputation regarding the determination planning matters and assist towards meeting the Community and Corporate Plan's priorities for: Thriving People, Thriving Economy, Tackling Climate Change and becoming a Council Fit for the Future. It will also help to ensure we retain staff and build some stability in the Service that has seen so much change over the last few years.

3. Recommendation(s) / Proposed Decision

- (i) Approve the initial Action Plan.
- (ii) Establish regular liaison sessions with the Overview & Scrutiny lead for Place, Cabinet Member for Infrastructure, Environment & Culture and the Assistant Director – Planning Housing & Climate Emergency.
- (iii) Review the actions at O&S in July and explore further options for improvement.

Appendices

Appendix 1: Powerpoint Presentation to Cabinet in January 2021

Supporting Information

1. Introduction

- 1.1 There is an issue generally with the speed of validation and then determination of applications and the handling of pre-application enquiries and just the level and quality of communication between officers, applicants and agents and Councillors, which definitely needs to improve.
- 1.2 Regular team meetings and 1:1's have been happening and caseloads worked through, support being given to officers carrying large caseloads and performance issues addressed.
- 1.3 The establishment of the virtual Planning Committees and virtual planning committee site visits has gone extremely well and has ensured that continued operation of the planning system requirements for determination of applications has occurred.
- 1.4 The monthly Neighbourhood Planning Group Meetings continue with the Forums and Officers and Members and issues around decision making, the operation of planning committee and appeal results are discussed at these meetings, in addition to many discussions over Planning Policy issues and government consultations.
- 1.5 In terms of performance the service is meeting the requirements of the Government set national targets for the determination of planning applications in the three categories reported. We also have a good appeal record within nationally set standards.

Standard/Indicator ID	Standard/Indicator	Link to Community & Corporate Plan or other Outcome	Current Standard/Indicator Performance (Value)	Target Performance for Standard/Indicator (Value)
NI 157 A	60% of <u>major</u> planning application decisions issued with statutory timeframe	Thriving Economy	91.67%	60%
NI 157 B	70% of <u>minor</u> planning application decisions issued with statutory timeframe	Thriving Economy	78.99%	70%
NI 157 C	70% of <u>other</u> planning application decisions issued with statutory timeframe	Thriving Economy	76.89%	70%

1.6 Proposed Action Plan

Action	By when
Processes & Engagement	
Re-establish regular Agents Forums, customer feedback	1 st is scheduled for 21 st April
Greater use of Planning Performance Agreements (PPA), including the payment for dedicated officers.	Immediately on appropriate cases
Greater use of the Design Review Panel, to help improve the quality of larger schemes submitted to the Council	Immediately on appropriate cases
Establish new 'team within the team', dealing with design, public realm & historic environment issues	By June 2021
Sustainability Checklist for Validation purposes, enhancing the energy efficiency of proposed development.	By June 2021
Engagement with Neighbourhood Forums in pre-application processes	By June 2021
Continue close partnership working with Homes England, Historic England, registered providers, NHS Partnership Trust, South Devon College, etc.	Ongoing
Member Training Programme	Beginning shortly
Staff Matters	
Appoint the new Full time member of Enforcement Team and temporary 12 month cover.	Started
Improved Officer e-mail & telephone communication	Ongoing
Contact with Ward Councillors regarding local applications	Immediately
Staff development programme, avoid poaching from neighbouring authorities.	July 2021
Embed the new culture in the recently started new planning staff.	Immediately
Planning Support	
Filling Vacant Administrative post	April 2021
Trial the outsourcing of the Validation process, following Business Process Mapping recommendations.	April 2021
Temporary additional cover for Land Charges Team, to handle backlog and high demand due to Stamp Duty Holiday.	Started
Installation of new Land Charges back office System	By June 2021
Further digitalisation of information to allow for faster delivery of Land Charges Searches	Six months

Establishment of the Exacom new back office Section 106/CiL system.	Started
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2. Options under consideration

- 2.1 Members can consider to:
- (i) Not approve the proposed approach, but add to the suggestions for improvement, through this Panel and regular catch-up meetings with the O&S Lead for Place
 - (ii) Approve the Action Plan, enabling the development of a number of improvements across the Service and ensure regular reporting back to this Committee on progress.
- 2.2 Option (i) above will result in actions developing on an unplanned, ad-hoc basis. Due to the uncoordinated nature of this option, there will be no overall plan with actions capable of making significant changes in the service and is therefore not recommended.
- 2.3 Option (ii) is the preferred, recommended option. It will provide the Council with the best chance of the Planning Service working more effectively, internally and externally with partners, communities and residents and ensuring an effective planning service.
- 2.4 It will take some time to change the culture of improved communication, but this is regularly discussed and reinforced at Team Meetings.

3. Financial Opportunities and Implications

- 3.1 The Action plan's actions will be funded through the Service's 2021/22 budget and some additional support and through the greater use of Planning Performance Agreements (PPA's).
- 3.2 The development of the changes have been relayed to officers through the Team Meetings, but will be overseen by Service Managers in Development Management & Planning Support, updates on the will be discussed at the Management Meetings.
- 3.3 The regular monitoring of caseloads by Senior Officers and the Service Manager and any requests for additional external support, when required will be brought to those meetings.

4. Legal Implications

- 4.1 There are no legal implications at this stage.

5. Engagement and Consultation

- 5.1 The Action Plan has been the result of engagement on the review of the Service with applicants, agents, partners, Neighbourhood Forums, Councillors and Officers.
- 5.2 Subject to the further implementation of some of the changes there will be enhanced engagement and consultation through the process.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 At this stage there are no procurement issues, procurement have been closely involved with the securing of improved Software for the Service. However, appropriate procurement processes will be addressed through the delivery of individual items within the Action Plan.

7. Tackling Climate Change

- 7.1 This paper proposes to deliver actions to address the service delivery in planning, incorporated within the actions is the development of further guidance to agents on Climate Emergency measures to be incorporated into their schemes, which is currently being developed. In addition a revised Supplementary Planning Document (SPD) is under development. Planning and the planning committee have a need to address the climate emergency through approving development schemes that incorporate good energy efficiency measures and help to address the climate emergency.
- 7.2 Within the Strategy & Project Management section of the Service we are revising the Torbay Energy and Climate Change Strategy (2014-2019) and co-design and develop with partners, the Carbon Neutral (CN) council and CN Torbay plans. These plans, along with more energy efficient schemes and with the longer terms plans that will be developed, will help us to work towards carbon neutrality by 2030.

8. Associated Risks

- 8.1 If the Planning Service does not improve there is always the risk of being placed under MHCLG special measures, but this is based on performance in determining major planning applications and our planning appeal performance, both of which are good.
- 8.2 However, a poorly perceived, slow planning service would put the Council at great reputational risk and could hold up the much needed regeneration projects that are coming into Torbay, through the Town Deal & Future High Streets funding.

Equality Impacts

9.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	Action Plan supports a better Planning Service for all sectors of society, who may be applicants, or neighbours to development.		
	People with caring Responsibilities	Action Plan supports a better Planning Service for all sectors of society, who may be applicants, or neighbours to development.		
	People with a disability	Action Plan supports a better Planning Service for all sectors of society, who may be applicants or neighbours to development.		
	Women or men	Action Plan supports a better Planning Service for all sectors of society, who may be applicants or neighbours to development.		
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>	Action Plan supports a better Planning Service for all sectors of society, who may be applicants or neighbours to development.		
	Religion or belief (including lack of belief)	Action Plan supports a better Planning Service for all sectors of society, who may be applicants or neighbours to development.		
	People who are lesbian, gay or bisexual	Action Plan supports a better Planning Service for all sectors of society, who may be applicants, or neighbours to development.		

	People who are transgendered	Action Plan supports a better Planning Service for all sectors of society, who may be applicants, or neighbours to development		
	People who are in a marriage or civil partnership	Action Plan supports a better Planning Service for all sectors of society, who may be applicants, or neighbours to development.		
	Women who are pregnant / on maternity leave	Action Plan supports a better Planning Service for all sectors of society, who may be applicants or neighbours to development		
	Socio-economic impacts (Including impact on child poverty issues and deprivation)	Better quality homes delivered, more energy efficient homes, helping to reduce fuel poverty.		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Better quality schemes permitted that will enhance the health of the new communities living within residential development or affected by adjoining development. Tree planting can also help create cleaner air. Active travel measures within schemes. Energy efficient homes can create healthier, warmer homes with reductions in excess winter deaths and respiratory illness.		
10..	Cumulative Council Impact (proposed changes elsewhere which might worsen the impacts identified above)	Current proposals in the Action Plan will be delivered by the Service, but would an improved service would benefit colleagues across other services and the TDA, Torvista and SWISCo.		

11.	Cumulative Community Impacts (proposed changes within the wider community (inc the public sector) which might worsen the impacts identified above)	If approved, we will work with the community to ensure a better quality planning service and reduce any negative impacts on the wider community.
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Update: Review of the Planning Service

[TORBAY.GOV.UK](https://www.torbay.gov.uk)

David Edmondson – Assistant Director - Planning, Housing & Climate Emergency



Planning Service Review - Update

- Working to timetable previously agreed at Cabinet Catch-up in October.
- Here today to give an update, highlighting Issues and progress so far

Page 15

- Further Government consultations out recently on Permitted Development Rights, Infrastructure, etc.
- The Planning System is still going through a huge period of change
- Grateful for the support of Members for what is trying to be achieved in the Bay, but recognition of some of the challenges eg. Housing provision

Reminder of the Vision

- **Objective**

‘To become a more responsive, interventionist, facilitative and positive Planning Service’.

- **Through:**

Change in processes, behaviours, commitment & communication.

- **Outcome**

A better public perception, better feedback, better development, leading to a better Torbay

Page 16

Recall some of the sub-headings from original presentation:

- Need for Torbay Council Planning Service to be ‘fit for purpose’ in new Planning System
- Set new standards for the quality of development
- Play our important part in the regeneration of our towns.
- Develop a sense of pride in the Service
- Offer an exemplary level of service to our customers and all those involved in the development process.

Development Management 1.

- Team working and performance has suffered from remote working.
- Good practices been introduced to try and help this issue eg. On-line Peer Review, virtual committee, virtual site visits, training
- Secured support from agency staff to cover whilst planning officer posts were advertised, interviewed for and recruited into.
- Now all posts are filled, newest addition starting in 2-3 weeks time.
- Covid-19 cases experienced within the team, losing staff for up to two weeks.

Warning: Our neighbours are attempting to lure staff away with up to £5,000 'Golden Hellos' and higher salaries, it's tough market out there.

Development Management 2.

- Officers still carrying high caseloads, meaning delays in determination and unhappy applicants and agents, this will be addressed, but needs some stability. Regular reminders to the team to keep communicating
- Major cases heading the way of the planning team arising through the *Town Deal & Future High Streets Fund*, would like to ensure quick efficient decisions on these. (Dedicated Officer service?)
- Considering idea of a mini 'team within the team', dealing with design, public realm & historic environment issues. Key priorities.
- Delighted with recent budget proposal for Enforcement, 1 permanent new member of staff and in addition to a 12 month temporary role.

Planning Support 1.

Team

- The Team is struggling and the Manager & Team Leader doing ridiculous hours just to try and keep the ship sailing.
- Validation part of the process, has suffered the most and that is critical at the start and affects determination rates and customer satisfaction levels. Recent Business Process Mapping exercise showed a need for additional resource. Business Case prepared to experiment with outsourcing this element for a trial 6 month period to *Terraquest*, a company linked to the *Planning Portal*.
- Team has had retirement, sickness and absence issues during and outside the Lockdown periods, which has added to pressure and one vacant* post.

Planning Support 2.

Land Charges

- Retirement of Land Charges Officer, but replaced with 2 job-share staff which gives us a bit more resource, but currently being trained up and backlog of cases with Stamp Duty window coming to an end.
- Letter from Housing Minister, pointing out our slower performance adding extra pressure. Agency support.
- Need the establishment of the *Total Land Charges* system in place and then digitisation of the information held by the Council.
- Pay for the new system using reserves.



Planning Support 3.

Section 106/CiL Work

- The officer has been off work for 3 months. Managed to get the required Infrastructure Funding Statement out at the end of last year, but the *Exacom* system still not in place. Awaiting quote from *Exacom's* sister company *Validation Office* to do the set-up and data input work for us and get it established.
- The officer currently doing Validation was employed to do IT installation and development, moving him from Validation to doing what he is skilled to do, will move both *Exacom* and the *Total Land Charges* system on. Outsourcing of the Validation process is key.

Future Planning Team

Review currently underway...but..

- The Team is up to full complement, two new planners.
- Clear on the scope of the Local Plan work
- Suffering with Lockdown and home-schooling challenges
- Finding the Transport element a challenge

...Further work continuing.



Other Actions

Regular liaison meetings established with:

- NHS Partnership Trust
- South Devon College
- Homes England
- Historic England
- Geopark (developing a Planning Protocol)
- Registered Providers (Housing Associations)
- Developers

