

<b>Meeting:</b>	Overview and Scrutiny Board
<b>Date:</b>	4 June 2025
<b>Wards affected:</b>	All Wards
<b>Report Title:</b>	Update on Service Fit for the Future – Development Management
<b>When does the decision need to be implemented?</b>	Not applicable
<b>Cabinet Member Contact Details:</b>	Councillor Chris Lewis, Place Development and Economic Growth and Deputy Leader of the Council
<b>Additional Member Contact details:</b>	Councillor Martin Brook, Chair of Planning Committee
<b>Director Contact Details:</b>	Alan Denby, Director – Pride in Place
<b>Report author:</b>	Jim Blackwell, Service Manager – Development Management

## 1. Purpose of the report

This report is intended to demonstrate how the Development Management (DM) team has evolved over the last 12 months. It focuses in on three themes; *Where we were, where are we now and where are we going*. It also covers the three key areas of the team, the Planning Officers, Enforcement Officers and Heritage and Design Team.

The purpose of this report is to update Members and provide assurance that progress is being made towards the Council's commitment for the DM Team to be a Service Fit for the Future (SFFTf). It is recognised that for Council partners and the community, a high performing planning service is an integral part of the placemaking ambitions.

## 2. Introduction

The DM Team are positioned within the Pride in Place Directorate which brings together everything around our economy, capital programme, culture, climate, natural environment, harbours, the commissioning of SWISCo and planning.

It should be recognised that the Pride in Place directorate is currently being restructured with the outcome due to be agreed by July 2025. It should also be appreciated that the DM Team has gone through various structural changes in response to its growth.

Both the RTPi and Government have called for Spatial Planning to be at the heart of council's placemaking functions. Matthew Pennycook MP, Minister for Planning in MHLCLG, has drawn

attention to the “*critical role that planners and related professions, working hand in hand with elected members, have and will play in unlocking the growth that this country needs*”. The new NPPF (2024) is expressly pro-housing and regeneration, and views good planning as key to delivering that objective.

Local Planning Authorities are at risk of becoming designated, and placed, into special measures where they fail to meet one of several performance thresholds. These performance thresholds relate to the speed of decision making for major and minor applications, and a ‘quality’ indicator measured by the number of decisions overturned at appeal for major and minor applications. Our current rate of refusals is below 10%.

It should be noted that Government recognise that the complex nature of planning applications can lead to delays in decision making and for this reason introduced extension of time agreements. For the purposes of National Government statistics applications where a decision was made within an agreed extension of time are considered to have been issued in time. At Torbay, our focus is on improved customer service and improved outcomes in our built environment. In some instances that may result in less need for extensions of time, but our current focus is on quality.

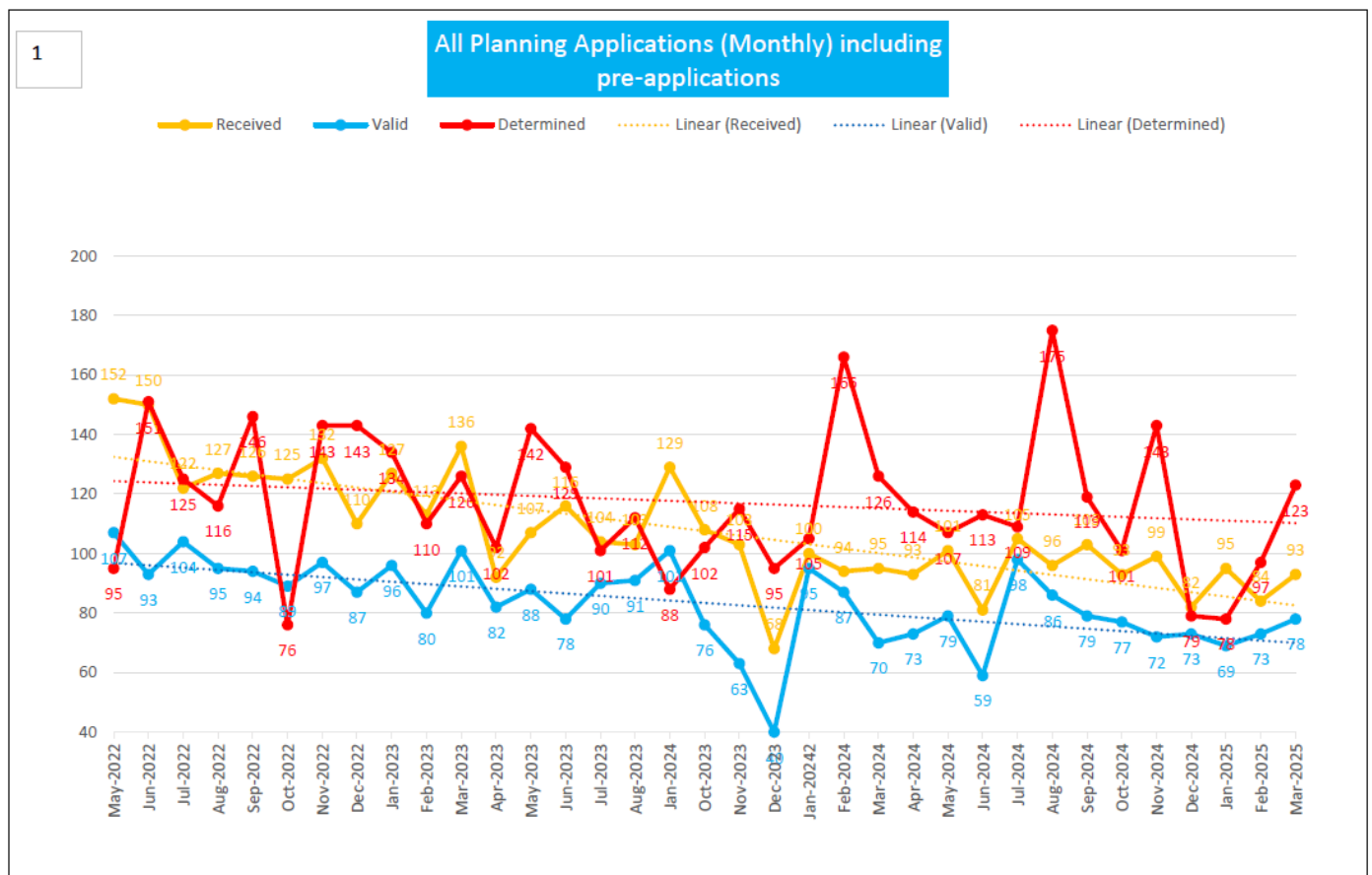
A factor in the Government reaching its decision will be whether the Council can demonstrate that it is taking positive action to address the variables within its control to improve the quality of decision making. Much of the work outlined in this report was undertaken to contribute towards the Council’s case that positive action had been taken in the event performance did not improve.

The performance indicators used by Government to monitor DM are measured by the proportion of applications that are dealt with within the statutory time, or an agreed extended period, with the quality of decisions made by local planning authorities measured by the proportion of decisions on applications that are subsequently overturned at appeal. Torbay continues to perform well within these government performance indicators.

### 3. Background

The DM Team continues to be under scrutiny through the SFFTF Project. We have historically been ‘data rich’ with a Planning Support Team providing extensive weekly reports relating to DM performance. The information is now used more intelligently through one of the critically important outcomes of the project, Power BI. This is a business intelligence and data visualisation tool which has helped to convert raw data into meaningful insights to support performance management, in near real time. This data will be covered later in the report however, below are the headlines regarding performance and pre-application enquiries.

## DM Dashboard - May 2022 to March 2025

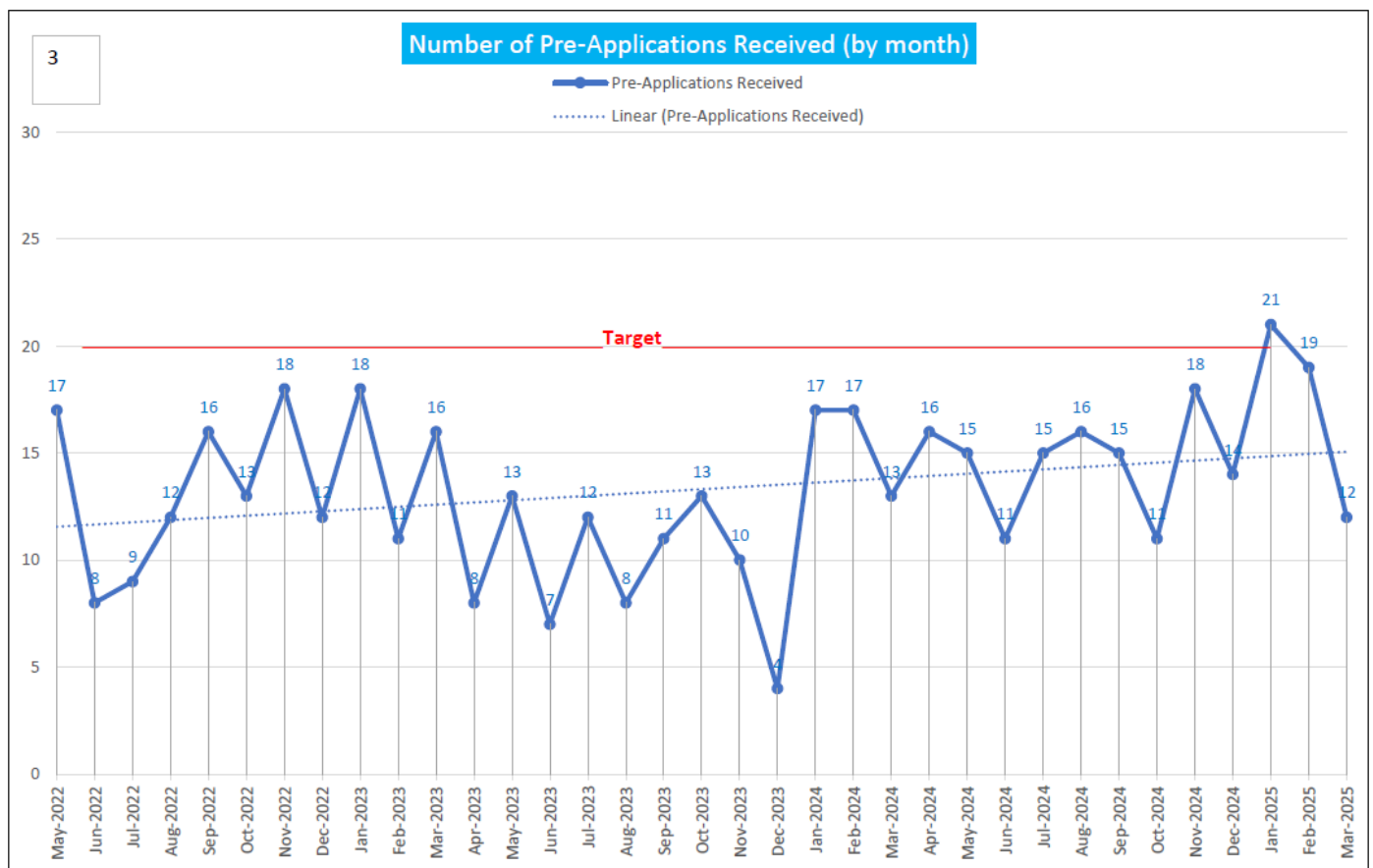


**Received (amber line)** – there is a general trend showing that the number of submitted applications are reducing. This appears to correspond to economic pressures nationally. Although the numbers of applications are down, the increased complexity of applications (e.g. BNG) means there is not an associated drop in workload.

**Valid (blue line)** – in May 2022 there was a significant gap between received and valid applications (45). This has reduced, consistently with a range of 15 in March 2025. This is tightening the gap between received and valid applications as we attempt to resolve the national issue of invalid applications being submitted.

**Determined (red line)** – shows four spikes as we dedicate time to resolve historic applications and clear backlogs.

## Pre-application enquiries - May 2022 to March 2025



**Pre-applications received (blue line)** - the enquiries have fluctuated over the years, but we have evolved the service and launched the 'Shaping your future application' enquiry which has been taken advantage of by customers. The trajectory is heading in the right direction, especially given the overall application numbers have been down over the last 12 months. Proportionally there are more customers engaging in the process. This is an innovative approach and has resulted in direct engagement with customers in quality, it should also lead to better service, better quality development, less refusals and enhanced professional development for our staff.

**Target (red line)** – locally set at 20.

### 4. Where we were

It should be recognised when looking back towards 2020, Covid had a significant impact on the DM Team, as it did nationally. However, the DM Team were reviewed by Planning Advisory Service's (PAS) in 2021, the scope included:

- How we deliver services, which may include reconfiguration and changes in some cases (including how we use people, processes and technology);
- How we provide training and development opportunities across all the Service;
- How we communicate as a Service.

The recommendations were:

- Improve validation and registration.
- Review structure.
- Build capacity in heritage and enforcement.

- Communicate change.

The Project Initiation Document (PID) was approved on 1 March 2022, and the objectives of the project were presented to the department, including DM, in a project kick-off meeting on 2 March 2022 with the first Project Board meeting occurring on 28 April 2022. The project focuses on strengthening the effectiveness of the overall planning service. In summary key objectives of the PID included implementation of the PAS action plan, structure and resources within spatial planning, business resilience and productivity and good delivery of key performance indicators (KPIs) across the service.

The main objective of the project is to strengthen and build the effectiveness of the Service making sure that each element can unite behind a common purpose of becoming fit for the future, through the delivery of efficient and effective services. Due to the interdependencies across the service the entire department, encompassing Development Management and its Planning Support Service; Strategy and Project Management; and Building Control, is included within the scope of the improvement work.

Looking back prior to 2022, it was clear that some staff at times felt unsupported. Several colleagues left the authority as career development became a challenge, application numbers were high, between 1400 – 1500 per year and this had a negative impact on productivity.

Completed activities under the PAS action plan phase of work include improving the working relationship between development management and project management staff (previously TDA), Member training, Planning Performance Agreements being resourced and staff development.

## 5. Where are we now

As discussed previously SFFTf is deeply rooted in performance management. Besides the obvious customer service benefits, this is required corporately and nationally through legislation. To achieve this the team has set up an integrated approach between ourselves and colleagues to ensure we are aligned corporately. There is a clear, on-going sequence of plan–measure-report-review.

Looking at the service now, we have promoted staff to more senior positions, continue to support career progression and our new staff appointments have been extremely high quality. Existing staff are regularly trained and are encouraged to attend RTPI events. Officers hold regular member training sessions and meet Neighbourhood Forums on key issues, projects or themes, such as heritage and design. Application numbers have dropped to around 1000 per year, although pre-application enquiries have increase proportionally. There is a role for Officers and Members promoting early positive engagement with the planning authority and the Design Review Panel to help raise quality of applications.

### **Number of major applications determined**

Since the previous report there has been an improvement in performance with 3 out of 18 major applications approved without an extension of time. Major applications are complex and generally require additional negotiation and information to enable a positive conclusion. Post decision, legal agreements require completion prior to determination.

When it comes to issuing timely decisions on major applications with complex legal agreements and negotiations, the Planning Service is critically dependant on the timely availability of Legal Services

who themselves will have competing priorities and resource constraints. This is a good example of how the performance of other departments could potentially impact significantly on the Planning Service.

## Number of minor applications determined

Our baseline performance for minor applications, including with extensions of time averages 82% against a target of 80% over the year. At two points in October and February we saw dips as Officers cleared backlog applications, otherwise we were regularly achieving nearly 90%. Applications without extensions of time have averaged at 40% against a target of 45%. This is influenced by Officers clearing backlog applications. This process was always going to negatively impact on the data, but we are now in a more positive position.

## Number of other applications determined

This area has the highest volume of applications and where baseline performance was ahead that of the other types of applications. For applications including extensions of time the performance averaged 75% against a target of 88%.

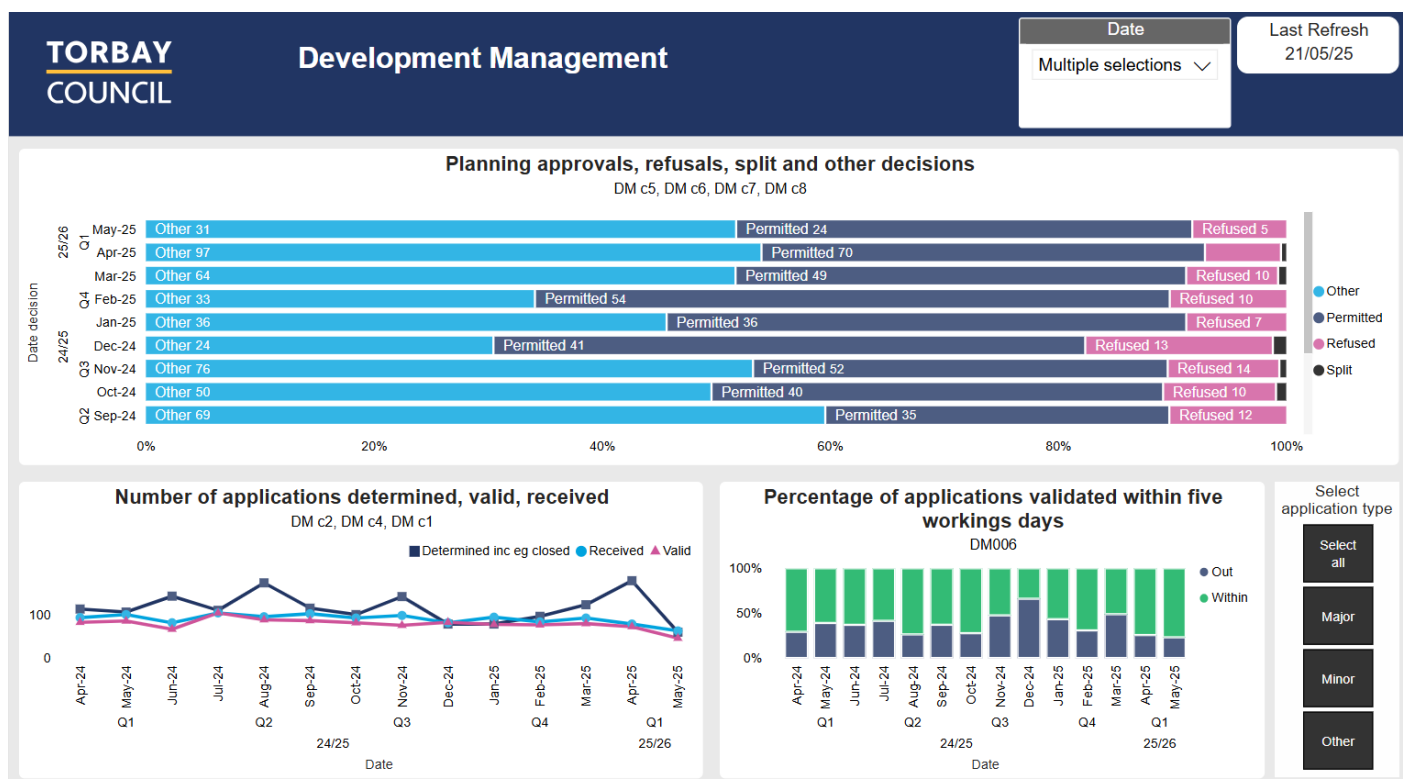
If we exclude extensions the performance averaged 38%. Performance in this area has spikes of real improvement, but again the backlog applications had an impact on the average.

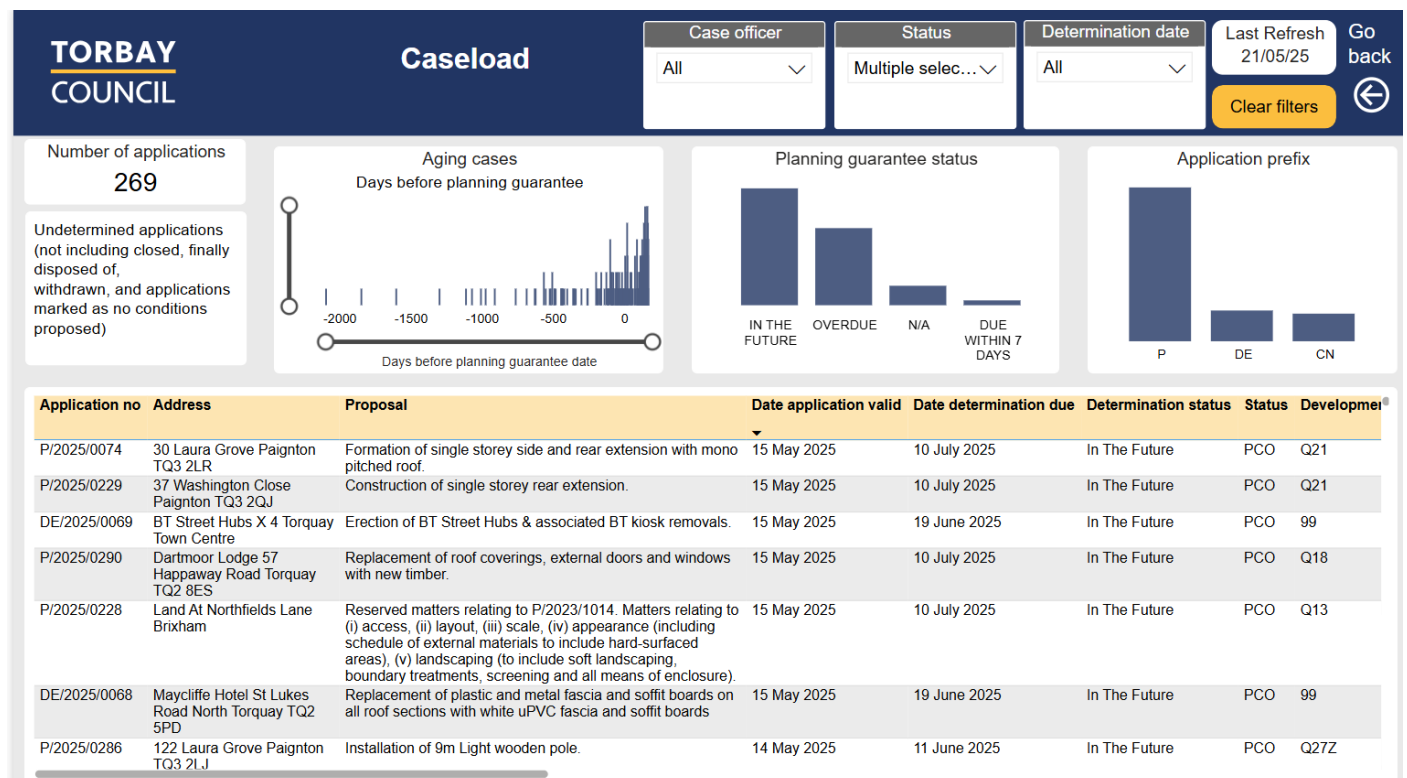
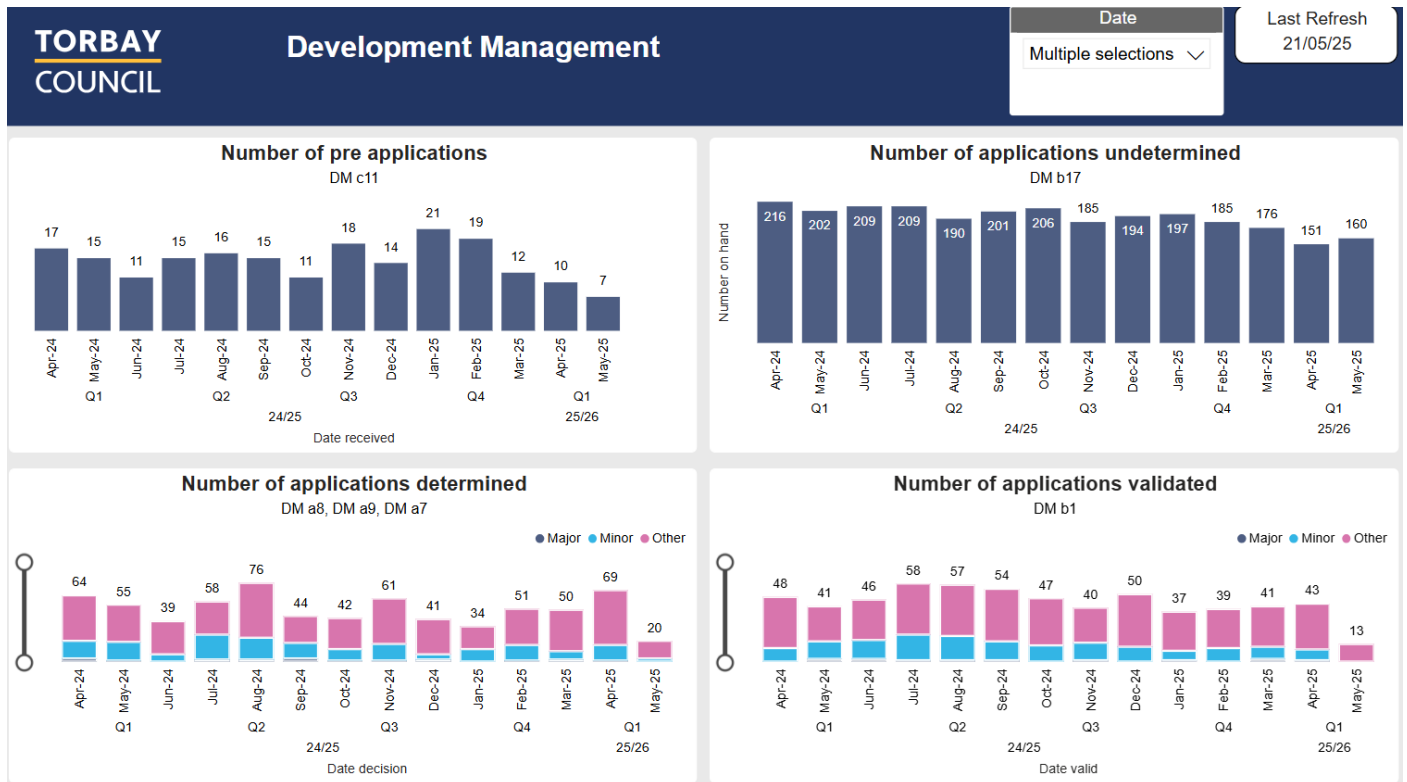
## Validation of applications

The validation of applications has been improving with each minor and other applications seeing a significant and sustained improvement over the last 12 months. Majors have been validated within 5 days except for one application. The average time to validate an application is 7.84, however this has been spiked to two months. Usually, validation is taking 7 working days which meets the target set.

## Power BI

Examples of the type of data available through Power BI are set out below:





This daily refreshed data continues to inform case officers and help manage our caseloads and productivity.



## 6. Overview of key changes to the service

Change theme	Change	Why/benefits
<b>1. People</b>	a. Set up weekly 1 to 1s, improved two weekly team meetings and invite colleagues to drop-in sessions.	Better connections between Officers and colleagues throughout the Council. Creates a more inclusive and collegiate approach to dealing with the issues we face.
	b. Formed a new internal Heritage and Design team.	Deals with large scale heritage projects and applications, provides consultees comments. Delivers Heritage Places. Contributes to training and consistency. Provides a bespoke service to assist owners of heritage assets.
	c. New policy drop-in sessions every two weeks.	Critical to understanding the Government policy changes like the NPPF, National Landscape change and BNG.
	d. Quarterly Agents Forum meetings	Better connection with agents, training, using feedback positively e.g. setting up the Shaping your Future Application service.
	e. Formation of touch points building on from 'our tone of voice'.	Effective communication and building a stronger relationship with our customers.
	f. Two Officers been promoted to Senior and Principal level.	A reflection of our supportive culture, training and established skillset.
	g. Recruited new staff members.	Contrary to the current national issue of recruitment, we have gained some highly regarded, experienced staff.
<b>2. Matrix training</b>	a. Process review establishing key training requirements.	National and local policy updates, BNG, DRP and on-going, regular engagement with colleagues at our team meeting.
<b>3. Process</b>	a. Created new Local validation list.	Clearly define what information is required at application stage. Sets clear parameters for customers.



	b. Set up new standard conditions.	Making consistent decisions.
	c. Created a new statement of heritage significance.	Requesting consistent information.
	d. Created a new LBC template.	Requesting consistent information.
	e. Formed a new amended plans protocol.	Reducing the burden of multiple changes to applications. Giving a focus to negotiation.
	f. Reviewed and updated our pre-application service.	Responding to Agents Forum request to launch a new pre-application enquiry service to meet face to face.
	g. Created a new house extension design guide.	To assist with decision making, setting out what is acceptable.
	h. Created an awareness of data. Closing MIAs and older applications.	Using data intelligently and managing caseloads.
	i. Created a culture of review, test and improvement.	Empowering the team to be part of our improvement.
<b>4. Quality</b>	a. Launched Torbay Design Review Panel	Improve the quality of schemes at pre-application stage.
<b>5. Technology (links to the technical Planning Support team)</b>	a) Successful funding bid to Government, Digital Planning Improvement fund	Reputation and funding benefits for the Council and improved data availability
	b. Improved mapping project underway - one of a minority of Local Authorities to have already make spatial data nationally available for Listed Buildings, Conservation Areas, Article 4 Directions and Tree Preservation Orders	Making the most efficient ways of working, including improved self-service offers for customers

	c. Latest versions of versions of Planning and Building Control software being installed.	New functionality is available to officers including Biodiversity Net Gain, the Building Safety Regulations and Building Safety Levy.
	d. New Land Charges System installed, and data migrated from multiple legacy systems.	Improved integration and efficiency and readiness for HMLR migration project. Leads to improved data quality and availability across multiple services
	e. Tree Preservation made available online via “find my nearest”	Enables customer self-serve of Tree Preservation Orders for the first time.
	f. Section 106 and CIL now in new database, with public facing module and vastly improved processes going forwards.	Working with spending departments to gradually improve legacy data, improved processes and systems going forward, with better integration and self-serve options
	g. Digitised all planning records back to August 1977 in line with Land Charges and making decision notices available online	More comprehensive online public registers. Decisions revealed by a land search can now all be accessed via planning online helping customers and officers

## Heritage and Design

The Heritage and Design team are working closely with the Culture and Events Team to deliver Heritage Places. Heritage Places is a £200m fund from the National Lottery Heritage Fund which supports targeted areas around the UK to unlock the potential of heritage through a 10-year partnership with local authorities. Torbay was one of the first cohort of 9 places to be awarded Heritage Place status. A further 11 have since been announced. Our expectation is that the scheme will bring around £10m of extra heritage funding to Torbay during 2026-2033. Last year, Torbay Council successfully applied for £250,000 funding for a development phase to work out the priorities for the scheme over the next decade. During this phase we will develop the first round of projects for which we will apply for funding under the Torbay Heritage Place programme. We expect to move into the delivery phase in November this year.

So far, the development phase funding has enabled a significant increase in capacity in the DM Team with the appointment of three new posts: Heritage Project Officer, Historic Environment Officer and Urban Design and Conservation Officer. We now have a well-resourced Heritage and Design team to take the programme forward. We also contracted specialist consultants Purcell to undertake three key Conservation Area Appraisal (CAA) updates in Brixham Town, Old Paignton and Torquay Harbour. The new Historic Environment Officer will use the lessons learned from this process to develop a new model for carrying out CAA reviews and developing CA Management Plans with local people.

The Team has developed a Project Management Plan that sets out clearly how the remainder of the development year will be managed and what it will achieve. We are currently undertaking a detailed review of progress on the Torbay Heritage Strategy 2021-2026. This will help to inform the prioritisation of the Torbay Heritage Place programme in future. We have appointed an external evaluator to meet the requirements of our funding. We are now in the process of appointing an audience review and engagement consultant to help us shape how THP will work with local communities. We will also shortly commission specialist research into the current and potential economic value of heritage to the visitor economy.

## 7. Where are we going?

The DM Audit has started and will be completed by mid-July. It will show what work remains for the team. Improvement is ongoing and the team are committed to this process. We will see the outcome of the restructuring and assess where we are in terms of direction, support and leadership.

We will monitor the number of submitted applications to see whether the trajectory changes. It should be recognized that this is a national picture given the high cost of submission, architect fees, validation requirements, material costs and availability, BNG requirements and wider economic issues have a part to play.

There are metrics to monitor performance, but the focus cannot entirely be on numbers. If we measure what applications have been submitted, those determined versus the complaints and appeals decisions, we have seen some real improvements.

The period of backlog clearance has had an impact on our metrics, however Officers now have more manageable caseloads and we will see a shift towards 'business as usual'. The focus remains on increasing the number of pre-application enquiries towards, and over 20 per month. These are critical for getting applications right first time and set on a pathway to a positive outcome. This in turn helps with trust in the system and the team.

Our new processes around validation will also assist with speed. We are more decisive around what we need and this sends a clear signal that we are open for business providing the information, plans and details are correct. We have moved away from being overly generous, attempting to continually support agents and make applications valid. We are now focused on those customers willing to work with us positively.

There are obvious, wider signs that we are becoming a service fit for the future. This is visible through improved staff culture, how we have learned and adapted, our obvious professional integrity, settled team, resilience, continued growth, continued support, skills and training.

## 8. Planning Enforcement

Overview and Scrutiny discussed Enforcement following a report in May 2024. To be consistent the same 'key lines of enquiry' are captured below, but with updates on where we are now.

As context, over the last 12 months the Planning Enforcement team have significantly evolved. The SFFTF project clearly demonstrated the trend of rising cases without action being taken. There was a period of flux where capacity was largely taken up by communicating without the ability or resources to investigate or take direct action. Officers were effectively paralyzed in terms of action so this clearly needed to change.

A new Enforcement Policy was adopted in October 2024, setting out the key objectives, how the service will be delivered. It is clear on priorities and expectations around communication. A new customer acknowledgement letter has also been implemented to explicitly emphasize the expectations around communication. Enforcement cases have historically been generated by complaints from a range of customers in varying forms. Officers also launched a new complaints form to provide accuracy and reduce investigation time. Finally, Officers maintain an ongoing register of alleged breaches of planning control. This data has been thoroughly reviewed enabling effective investigation, closure, scrutiny and monitoring.

Before covering the three lines of enquiry it is worth considering that the integrity of the planning service depends on the Council taking effective enforcement action if required. We all need to be committed to providing an effective planning enforcement service. Public perception of the planning system can be undermined when unauthorised or unacceptable development is allowed to go ahead or remain without any attempt by us to intervene.

### **Key lines of enquiry:**

#### **Capacity**

*Are current targets for response and investigation of alleged breaches being met?*

There are no established targets within the project around enforcement other than an aim to bring cases to below 450. Initial response and investigations are set around the newly established priorities. Given the potential implications around impact, scale and the range of new cases, the response and investigation times are swift.

Data shown within the project show that the service has improved over recent months. The number of cases received per month fluctuate between 10 and 25, however the number of Notices issued has stayed around 1 or 2 per month. This is while the service had been dealing with some major cases and changing the way it operates through production of the new Enforcement Policy, complaints form and improved recording.

*Are two full time enforcement officers sufficient for the demands on the service?*

There are currently two Senior Planning Enforcement Officers in post, both are full time. There is a resource available within the Planning Support Team for administration tasks.

There is a lack of capacity if the existing work practices were to continue. The new Enforcement Policy is the basis on how the team will operate and set the parameters on what is required in the future. The team of Officers would have capacity to deal with a current, manageable caseload, however the significant backlog of cases continues to incrementally increase number of interactions with customers.

There are two posts currently about to be advertised – a new Planning Enforcement Officer and Assistant Planning Enforcement Officer. This will enable the caseload to be stabilised further and enable a managed reduction.

#### **Culture**

*Does a lack of capacity create an incentive to not enforce on breaches of consent?*

The current capacity does not incentivise the lack of action; more action was brought in 2024 than in the several preceding years. The current backlog and expectations around communication previously paralysed the team's ability to make progress where required.

*How do we compare on Enforcement practices (notices, retrospective planning, etc.) to peer Local Authorities?*

The Planning Enforcement Teams practices clearly align with other Authorities. The principles, processes and procedures are set out in legislation. Our new Enforcement Policy will make these points clearly.

*How can officers be supported in making complex Enforcement decisions? To support them, is specialist consultation and ongoing training (Drainage and Conservation as two examples) being encouraged?*

The DM Team have established a culture of learning. The Planning Enforcement Team have regular training and work collaboratively with colleagues. Where support is required, it is sought as investigations can be required through a multi-agency approach.

## **Transparency**

*How can greater transparency be built into the system?*

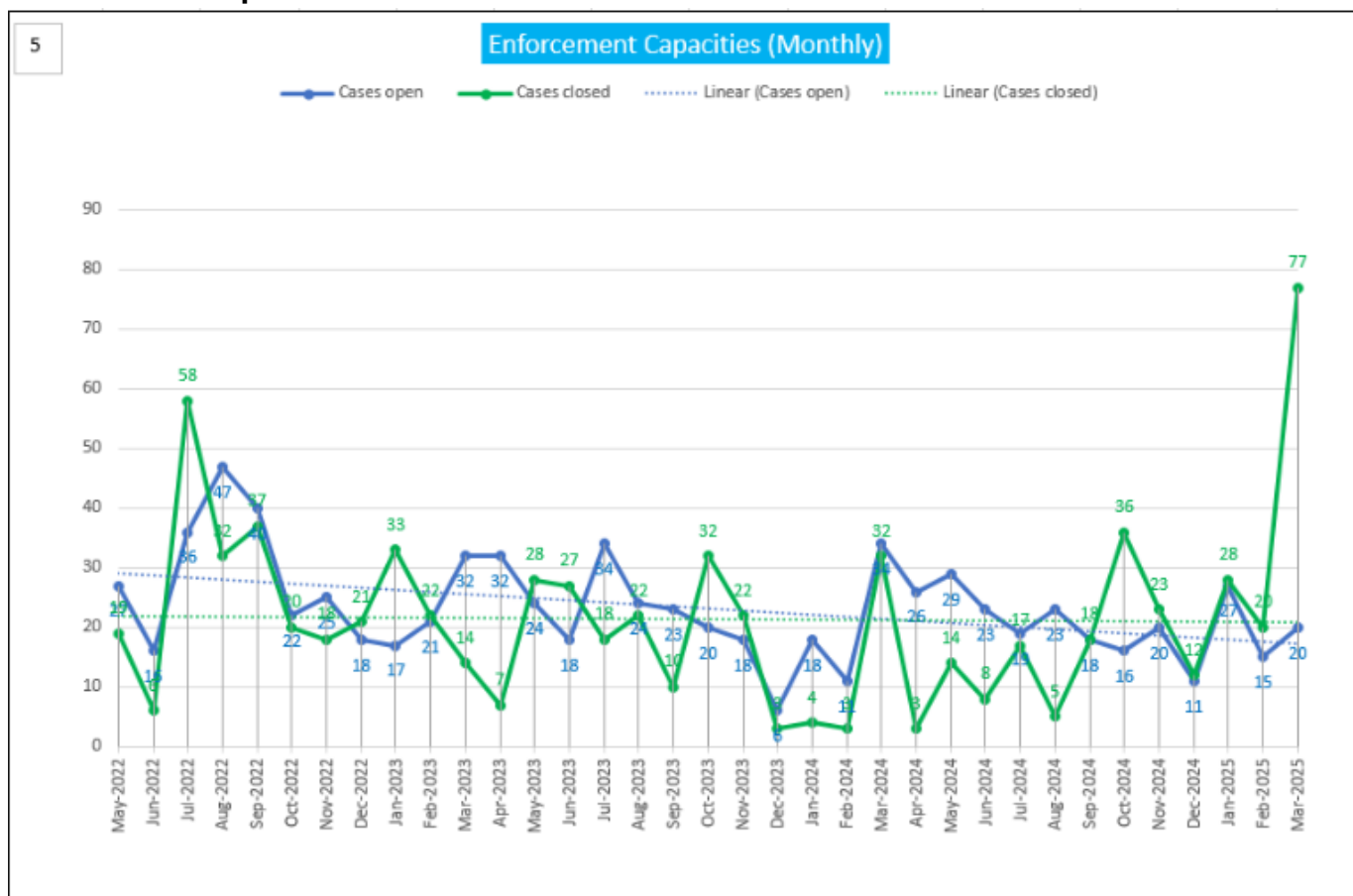
Corporate transparency is established through the SFFTF project. An annual enforcement progress report will now be published annually.

*Should details of an inspection be publicly available to reassure those raising concerns?*

Confidentiality is a key component of Planning Enforcement. Although data can be shared, any communication or information sharing needs to follow established protocol; which in practice does significantly limit the information that can be shared.

Details of notices issued form part of the planning public register online and are revealed through land searches, revealing unsubstantiated complaints and enquiries could lead to property blight and legal ramifications.

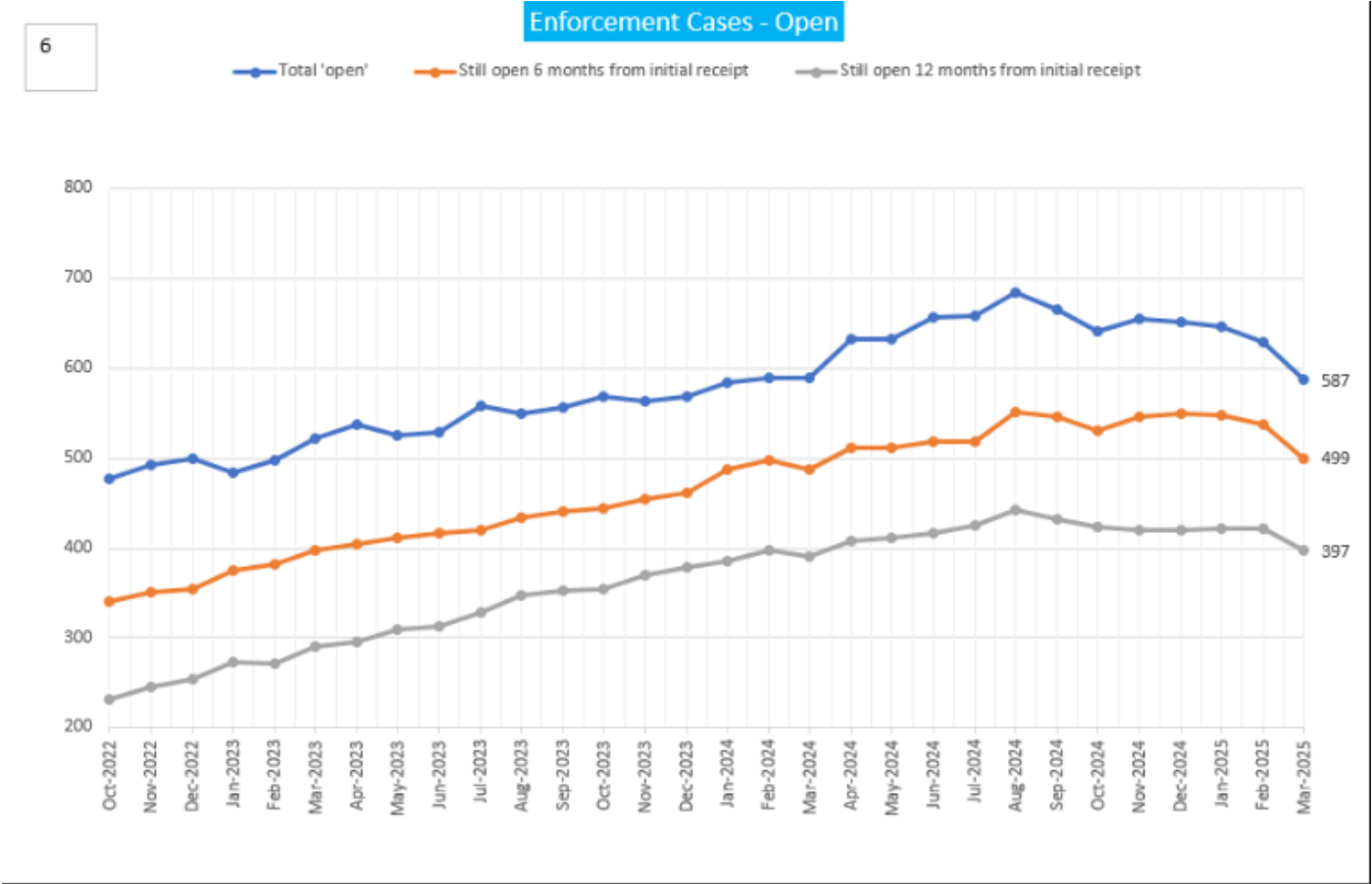
## Enforcement Capacities



**Cases opened (blue line)** - there are spikes in new cases being opened due to a stronger gatekeeping process and the complaint form. The trajectory is going down.

**Cases closed (green line)** - there has been renewed focus on closing cases as can be seen in March 2025 where 77 cases were resolved.

Enforcement Cases - Open

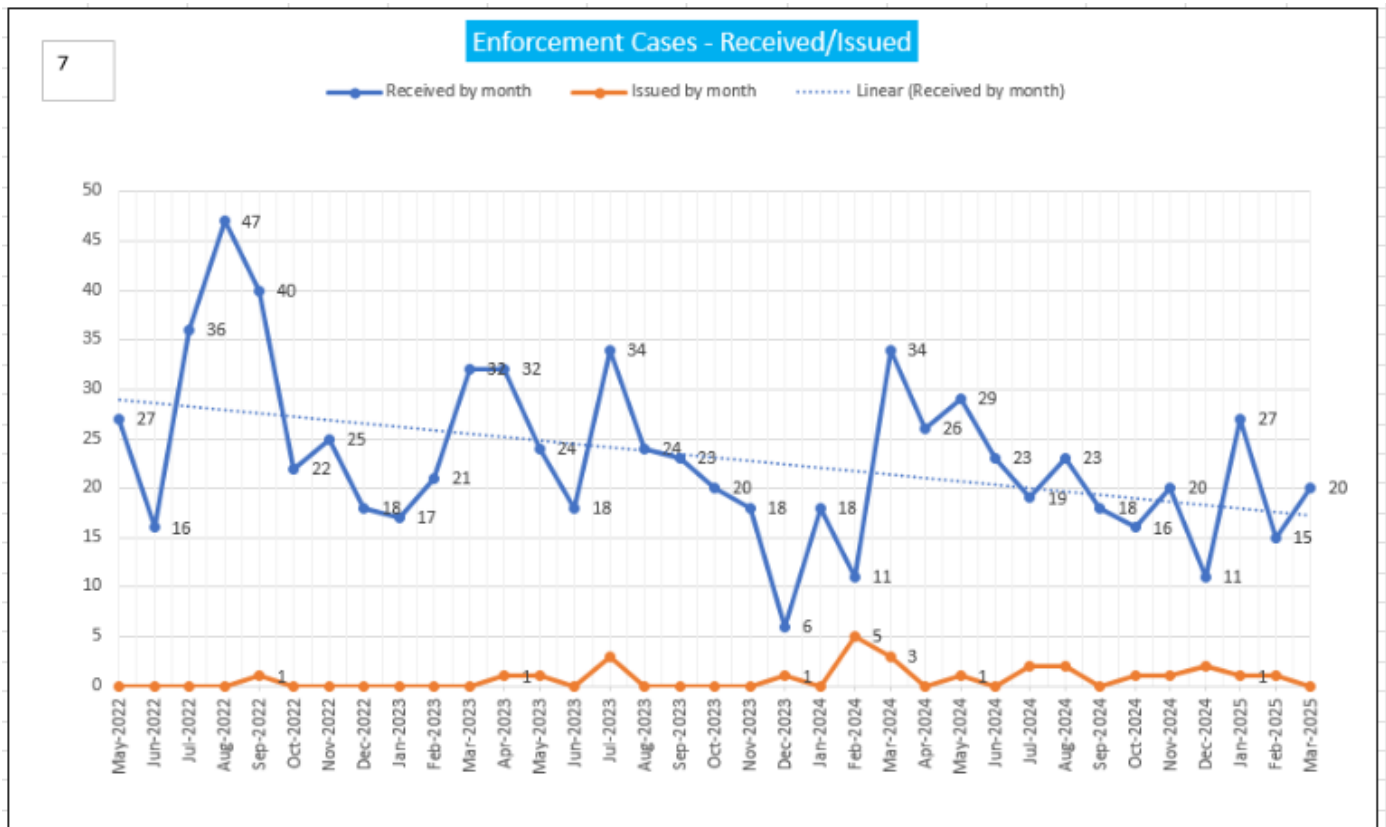


Total open (blue line)/Still open 6 months from initial receipt (orange line)/Still open 12 months from initial receipt (grey line)

All three metrics are heading in the right direction since peaking in July 2024.



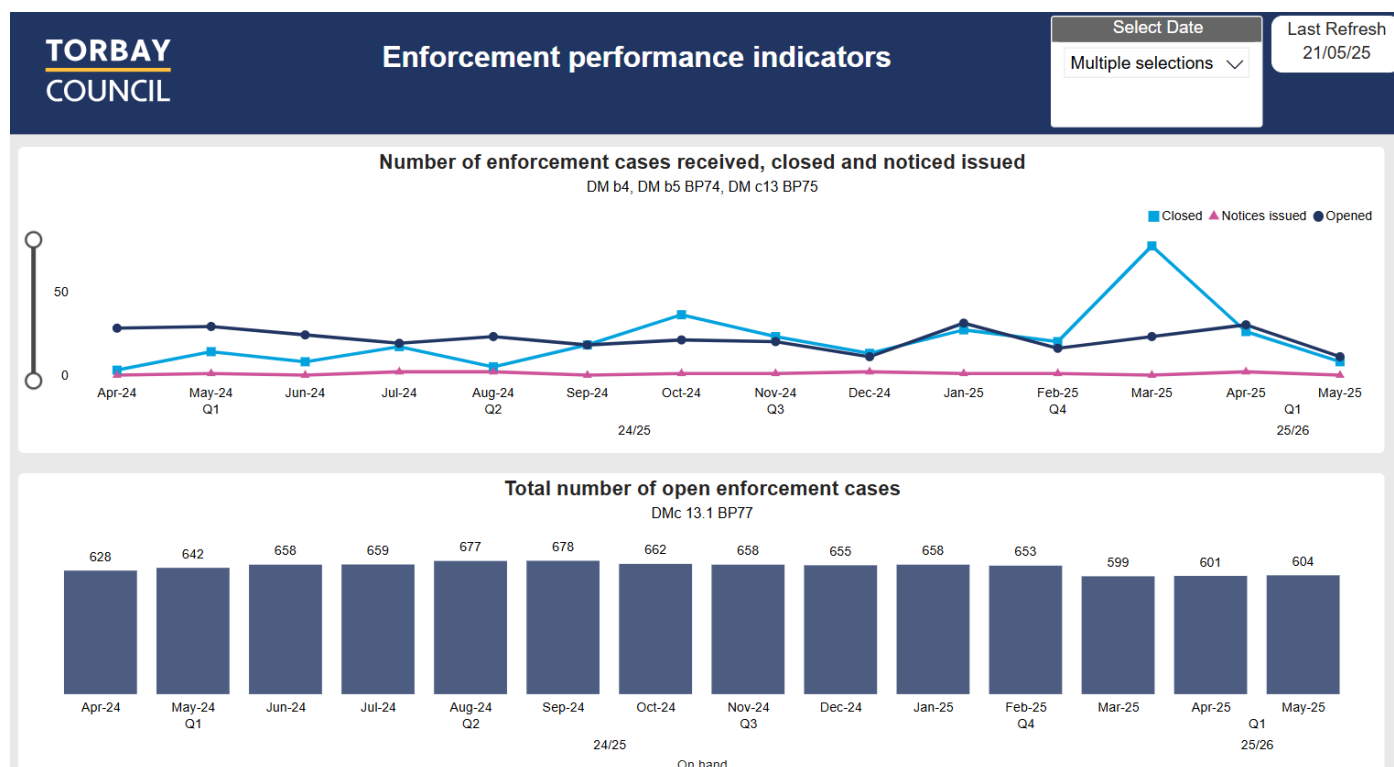
## Enforcement Cases – Received/Issued



**Received by month (blue line)** - cases are reducing and we continue to act each month.

**Issued by month (orange line)** – this was a snapshot in time and we continue to serve notices each month.

## Power BI data



The live data above helps give an understanding of the trajectory for cases. Power BI also gives access to Officer caseloads to enable case management and allocation.

## 9. Feedback

We have discussed the flow of work into and out of the team, however an important measure is what we hear from our customers. In terms of complaints and enquiries we have seen:

- 31% overall reduction.
- Large scale improvement in speed.
- The content of complaints changed dramatically from being around quality of service to disagreement with the decision or process.

<b>Cases received</b>					
<b>01/04/2023 - 10/03/2024</b>	<b>Complaint</b>	<b>LGO</b>	<b>Member Enquiry</b>	<b>Service request</b>	<b>Total</b>
Apr-Jun	12	2	38	14	66
Jul-Sep	9	0	32	18	59
Oct-Dec	4	3	22	7	36
Jan-Mar	5	1	16	3	25
<b>Total</b>	<b>30</b>	<b>6</b>	<b>108</b>	<b>42</b>	<b>186</b>
<b>01/04/2024 - 10/03/2025</b>	<b>Complaint</b>	<b>LGO</b>	<b>Member Enquiry</b>	<b>Service request</b>	<b>Total</b>
Apr-Jun	12	2	16	10	40
Jul-Sep	6	2	10	14	32
Oct-Dec	3	1	23	7	34
Jan-Mar	3	0	14	5	22
<b>Total</b>	<b>24</b>	<b>5</b>	<b>63</b>	<b>36</b>	<b>128</b>

<b>Responded to on time</b>			
<b>01/04/2023 - 10/03/2024</b>	<b>Complaint</b>	<b>Member enquiry</b>	<b>Service request</b>
Apr-Jun	75%	79%	82%
Jul-Sep	50%	56%	56%
Oct-Dec	50%	32%	90%
Jan-Mar	67%	77%	33%
<b>01/04/2024 - 10/03/2025</b>	<b>Complaint</b>	<b>Member enquiry</b>	<b>Service request</b>
Apr-Jun	80%	47%	90%
Jul-Sep	33%	89%	86%
Oct-Dec	100%	76%	100%
Jan-Mar	100%	85%	100%

## 10. Conclusion

The main objective of SFFTF is to strengthen and build the effectiveness of the Service making sure that each element can unite behind a common purpose of becoming fit for the future, through the delivery of efficient and effective services. In doing this the Development Management team will be better equipped to support the Council and community. Although there is work to do this has manifested itself through:

- Continuous improvement to the speed and quality of decision making.
- Mitigating the risk of designation.

- Improved customer service.
- Staff recruitment, development, training and retention.

The aim is to reach a point where we are satisfied with the service operating at a determined level as business as usual.

## 11. Recommendations/Proposed decision

That the Overview and Scrutiny Board note the report and understand the trajectory of the service.

It is recommended that:

- a) Officers and members maintain an effective relationship with Members, particularly the Chair of Planning Committee.
- b) There is a continued focus on performance management ensuring that Power BI data is monitored to inform continuous improvement.
- c) The aims of the SFFTF project become business as usual.
- d) The Director of Pride in Place, with the Divisional Director Planning, Climate Emergency and Housing continues effective staff recruitment, development of exiting colleagues and retention.