

Annual Planning Performance Review 2017-18

Background

Customer Service Excellence remains one of Planning and Regeneration’s key priorities and is currently driven by the Customer Services Project Board. The aim of this annual document is to monitor performance in our front line customer facing activities.

Planning Application (Validation/Registration)

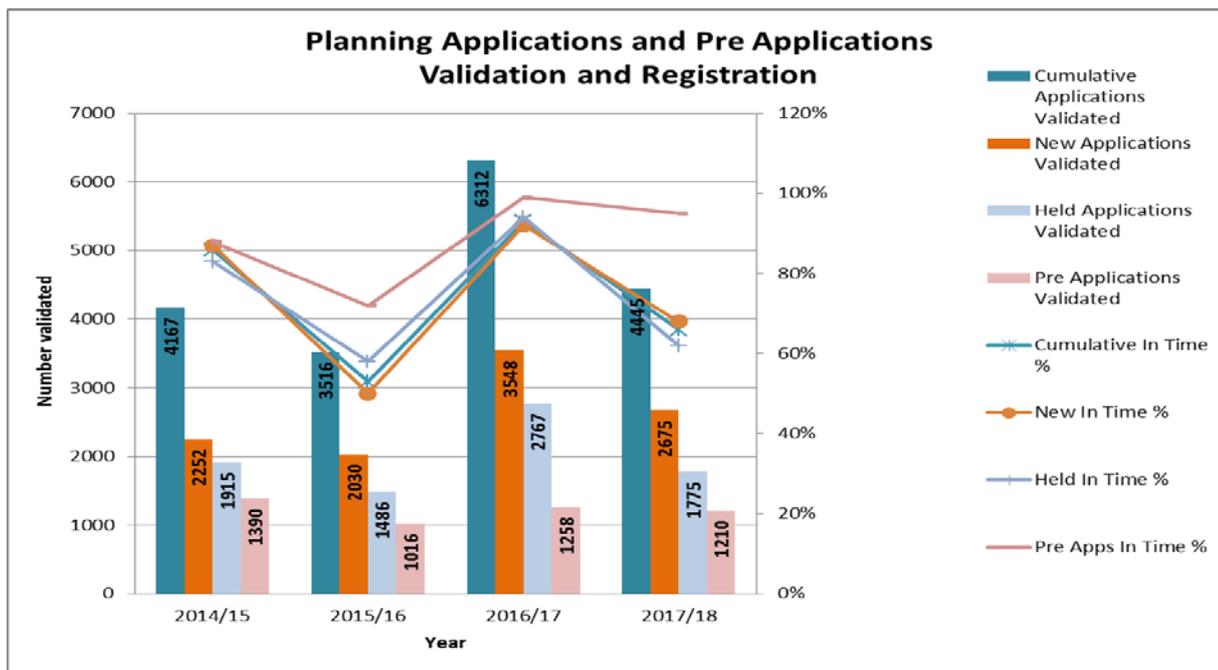
Over the years Planning Management has continued to introduce a range of procedural system and management improvements to enable improvements in performance in this area. However, in the last few years we have seen variable performance. Good performance 2014/15 and 2016/17 is linked to periods when staffing levels are reasonable and settled whilst lower performance 2015/16 and 2017/18 seems to be during periods of staff shortages and change. 2016/17 saw exceptional performance given the high volume of applications, whilst during 2017/18 replacing experienced staff that have left Planning & development have been difficult to replace due to the pick-up in demand for planning officers externally. We are liaising with human resources and senior management to find solutions to recruitment. One of the positives recently has been the recruitment of graduates into planning posts, however, it will take time for the benefits in performance to be achieved.

Planning application performance is measured based upon 90% of all applications being registered within 3 working days.

For clarification purposes:

- Cumulative – combined new and held applications
- New – applications that are validated without the need for additional information
- Held – applications made invalid pending further information
- Pre Applications – applications from customers wishing to know if Planning Permission will be supported

Graph 1

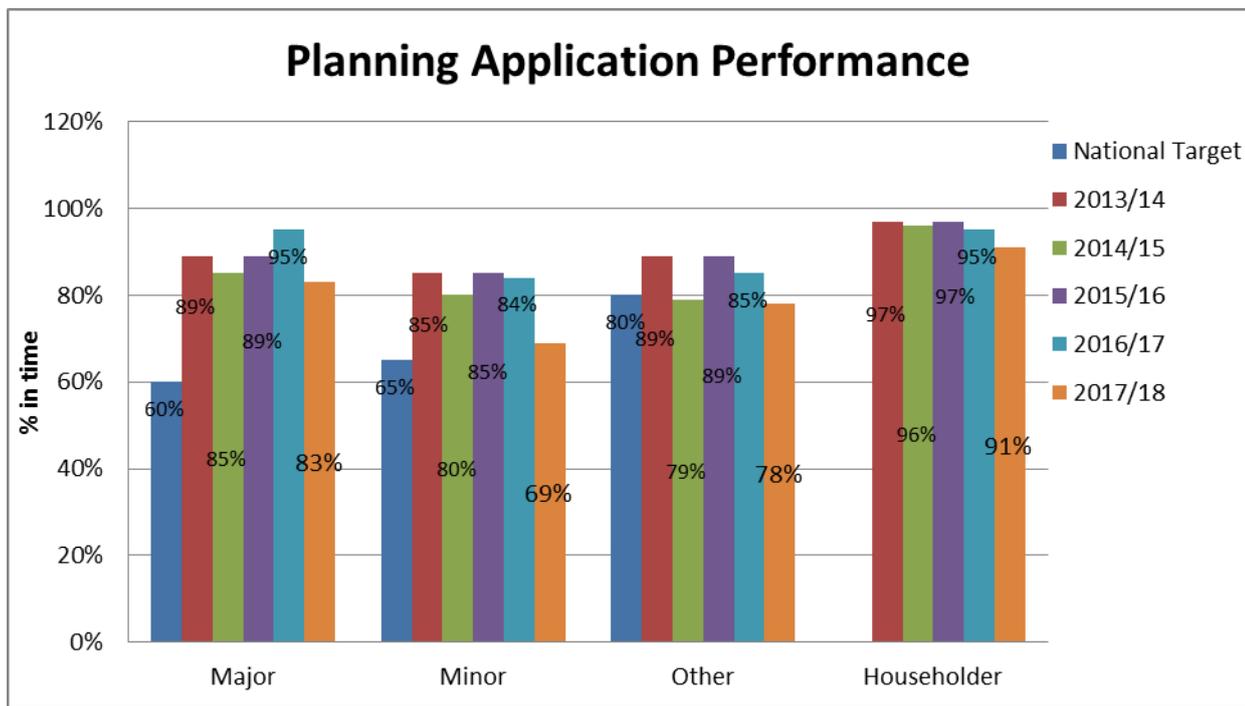


Planning Application (Processing)

There are national targets set for how quickly councils decide planning applications, which are set by the Ministry of Housing, Communities and Local Government (MHCLG).

Graph 2 below demonstrates ongoing improvements in planning application performance over the period 2013-2017. This is particularly pleasing given the ongoing challenges faced by all councils. Despite a reduction of around 35% of staff in Birmingham, we have managed the process to enable a range of procedural, system and management improvements which enabled us to achieve this level of performance. Our work and performance is kept under regular review in an attempt to maintain the drive for continuing improvements. However, as stated above recent market changes leading to the loss of experienced staff and difficulty in recruiting has impacted negatively on the 2017/18 performance. We are hopeful that as new staff become experienced performance will improve.

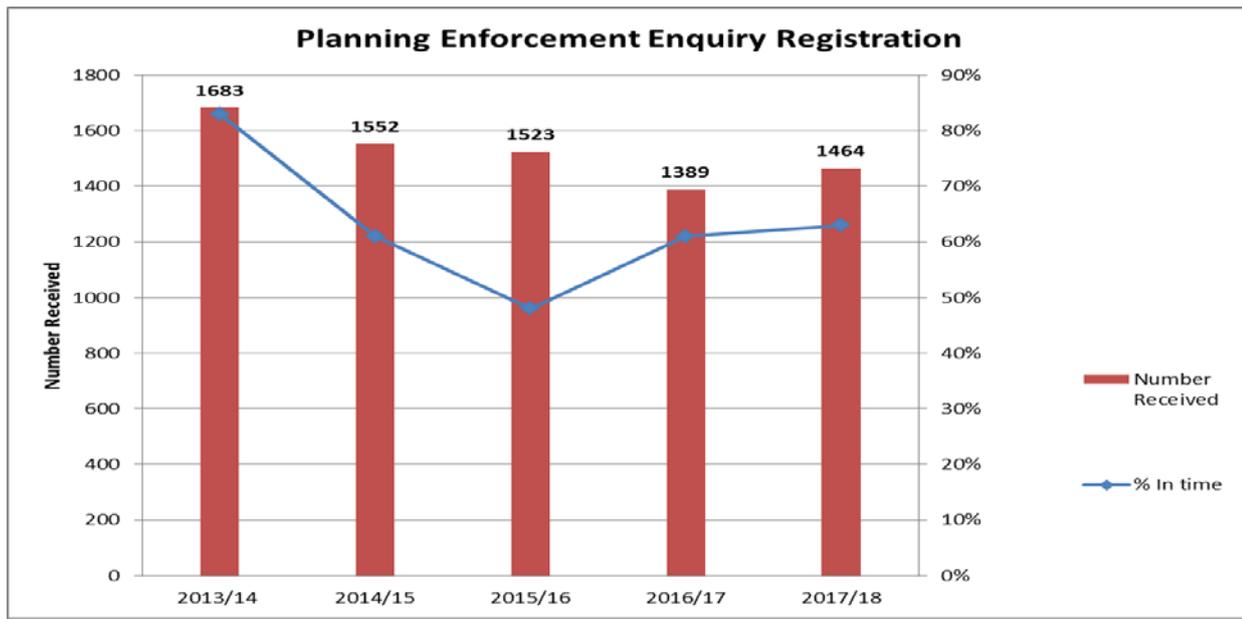
Graph 2



Planning Enforcement Registration

New planning enforcement enquiries are measured based on 100% being registered within 3 working days. Although there have been improvement since the low in 2015/16, Graph 3 demonstrates a shortfall in the registration of Planning Enforcement Enquiries. Several factors contributed to the lower than desired performance, including shortage of staff and level of absences. Enforcement enquiry registration moved to the Planning Enforcement Team where a dedicated officer has been appointment to carry out this work.

Graph 3

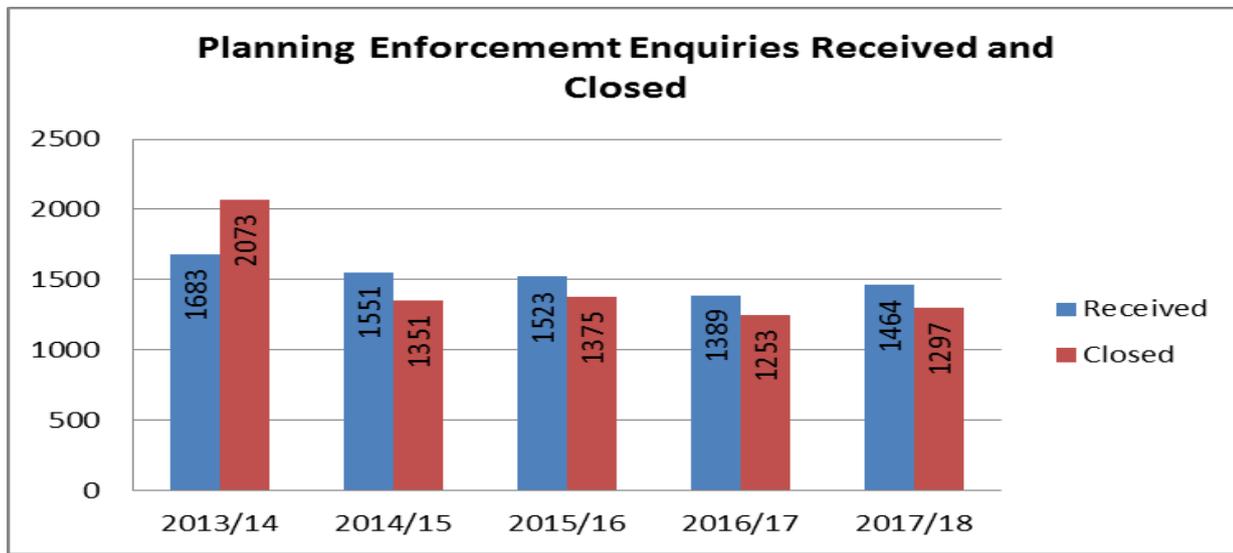


The Planning Enforcement Process

The Planning Enforcement Team has introduced a range of procedural, system and management improvements, which combined with more rigorous investigation of cases has resulted in a reduction of repeat planning enforcement enquiries. Cases on average per month are between 110 and 120.

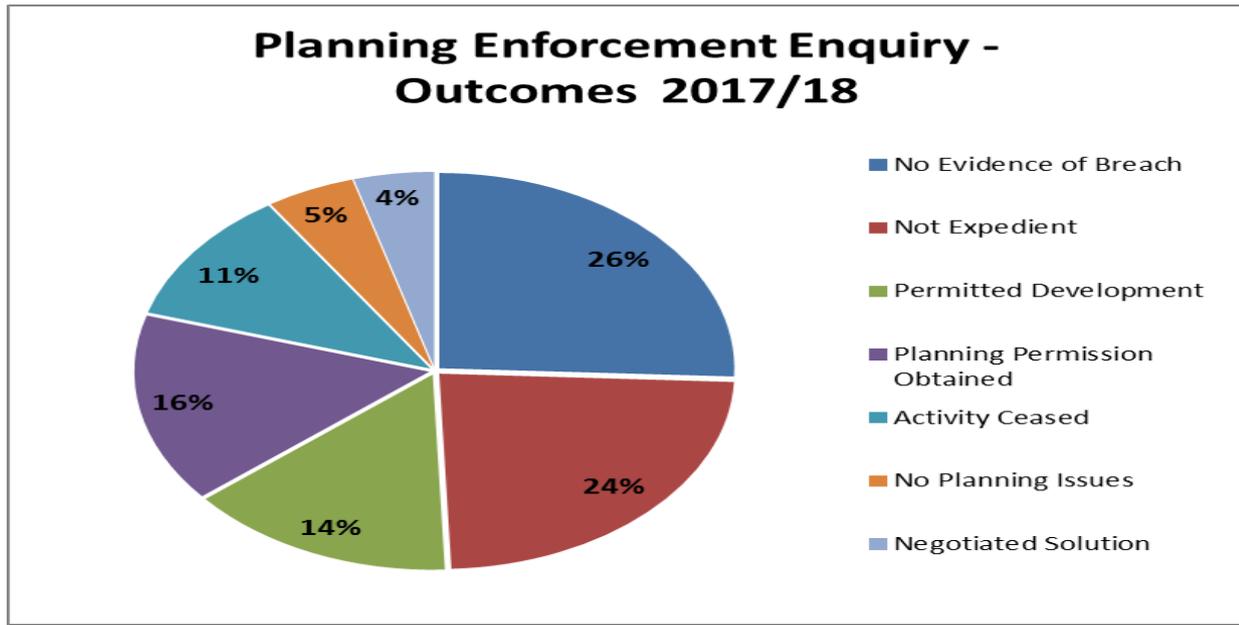
Graph 4 demonstrates the number of Planning Enforcement Enquiries received and the number of cases closed during that particular period of time.

Graph 4



Graph 5 relates solely to the outcome of cases regardless of whether a formal notice has been issued. 31% resulted in no evidence of breach/no planning issues; with a further 14% being permitted development; 24% of case were closed since it was not expedient to take action because Central governments advice as set out in NPPF section 207 states that enforcement action is discretionary, and Local Planning Authorities should act proportionately in responding to suspected breaches of planning control. In making the decision whether it is expedient to pursue action, officers have to take into account whether any breach of planning control unacceptably affects public amenity or the use of land and buildings which should be protected in the public interest.

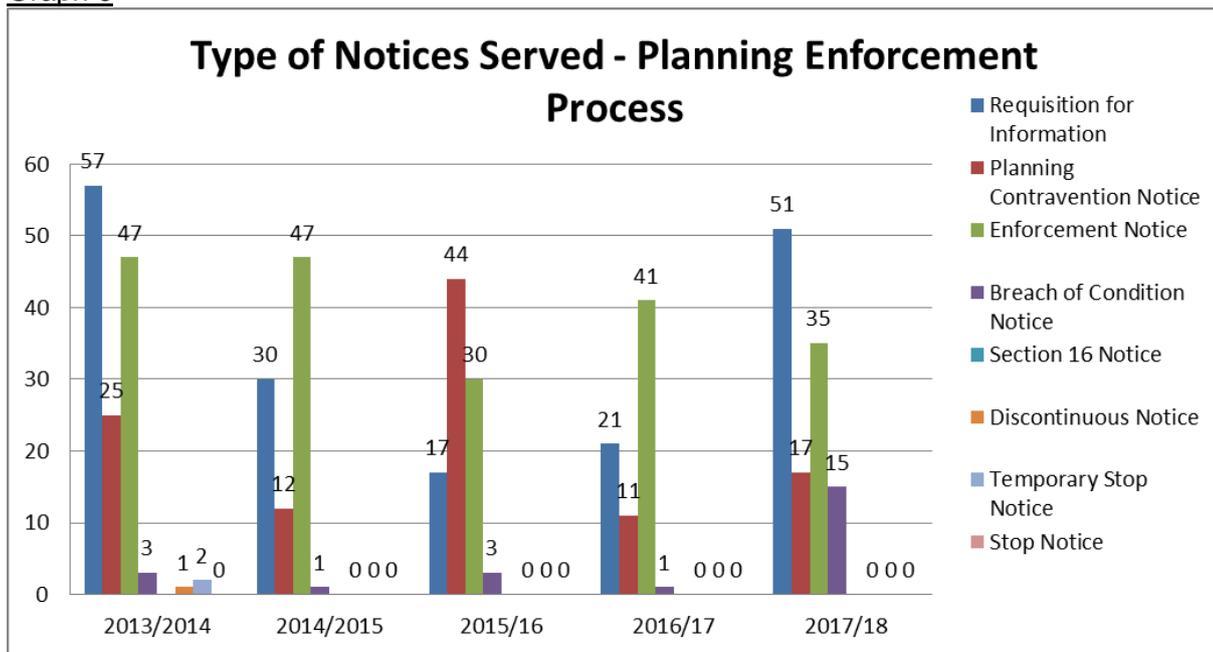
Graph 5



Graph 6 relates to Notices served during the enforcement process prior to the case being closed. This can range from serving a notice under Sections 171 and 330 of the Town and Country Planning Act to establish details during the investigation process to Notices being served under Sections 172, 183 and 187 requesting that the recipient undertakes some type of remedial works or cessation of an unauthorised use.

After a number of years where the number of planning enforcement notices served was decreasing, 2017/18 saw an increase which is a reflection of the interpretation of the greater level of permitted development. This has resulted in a greater number of Requisitions for Information Breaches of Condition Notices even though the number of Enforcement Notices has reduced. Planning Contravention Notices allow us, as a Local Authority, to gather information relating to the suspected breach and how the breach (if any) can be satisfactorily remedied.

Graph 6



In assessing the need for enforcement action, the Council has to bear in mind that it is not an offence to carry out development without first obtaining any planning permission required. Section 73A of the Town and Country Planning Act 1990 specifically provides for retrospective planning permission. It is in the nature of the planning system that people can undertake any form of development without obtaining planning consent, but this is entirely at their own risk. Additionally Enforcement is not designed to be a punitive tool but a process in which to try and resolve any unauthorised works by negotiation if it can be achieved. Government guidance stipulates that enforcement is discretionary and that Councils should act proportionately to alleged breach, however much the enquirer disagrees.