

**REPORT OF THE DIRECTOR OF TECHNICAL SERVICES**

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**PLANNING ENFORCEMENT SERVICE PERFORMANCE DURING 2008/09 AND 2009/10**

**1. Executive Summary**

- 1.1 The purpose of this report is to advise Members on the performance of the Planning Enforcement service within Development Control, during 2008/09 and 2009/10.

**2. Background**

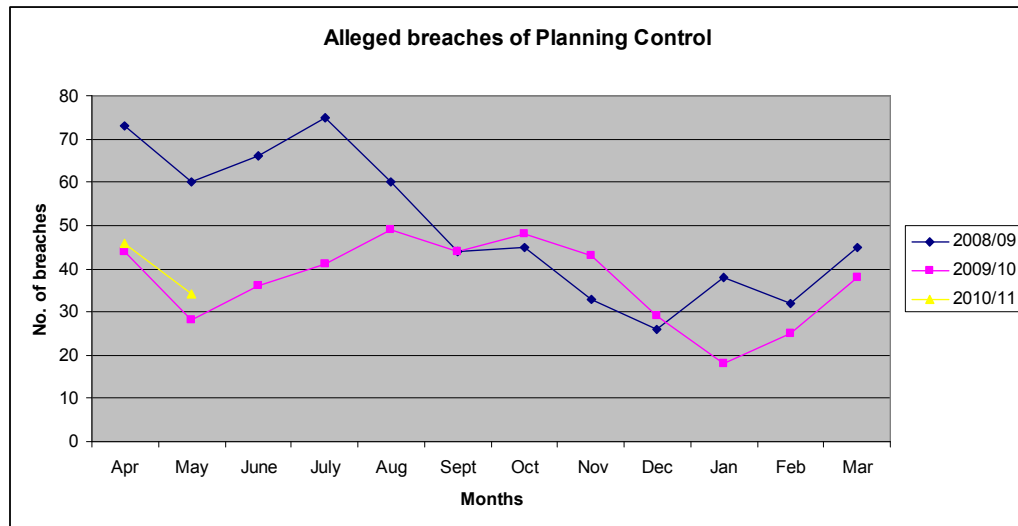
- 2.1 Since the cancellation of Planning Delivery Grant (PDG) from April 2008 budgetary pressures have continued to increase on the Planning Enforcement service, which is a non-statutory, non-fee earning service within Development Control.
- 2.2 These pressures were first highlighted in the 'Improving the Planning Service and DC Performance' report considered by Planning Committee in May 2008, and Cabinet in June 2008, when Members agreed to the use of staff from the Planning Enforcement team to support DC planning teams during peak periods of application workload.
- 2.3 In 2008/09, as a result of this initiative, three members of staff within the Planning Enforcement team directly supported the Planning teams by taking on a small case load of planning applications, and this contributed to an improvement in the performance of processing planning applications. Fortunately, during the same period there was a significant fall in complaints received by the Planning Enforcement team, and this can be seen the body of this report.
- 2.4 In July 2008, one full time member of the Planning Enforcement Team took a 2 year career break and another left the team to take up a new position resulting in smaller enforcement team. However, following an increase in the number of enforcement complaints, in August 2009, senior managers within Development Control moved a member of staff from another team into the Enforcement team on a full time basis, resulting in current staffing levels of four full time officers and one part time officer within Planning Enforcement. In addition to this, the planning teams have offered flexible support to the enforcement team, where we have been able to utilise planning officers within the Division to deal with the fluctuating demands on the planning enforcement service whilst continuing to deal with planning applications, which have seen a marked reduction in numbers over the last few years.
- 2.5 In March 2009, Planning Committee also agreed to revisions to the Planning Enforcement Policy to give greater clarity and to re-prioritise the enforcement criteria.
- 2.6 As part of the Council's commitment to accountability and transparency, the Planning Enforcement Policy requires annual performance reports on the Planning Enforcement service to the Planning Committee. Previous reports have highlighted performance during 2005/06, 2006/07 and 2007/08. This report now reviews Planning Enforcement performance during 2008/09 and 2009/10.

2.7 It is important to note that the performance outlined in this report would not be possible without the co-operation and support of Councillors, the public, and our colleagues in Legal Services and across other Council departments.

### 3. Performance

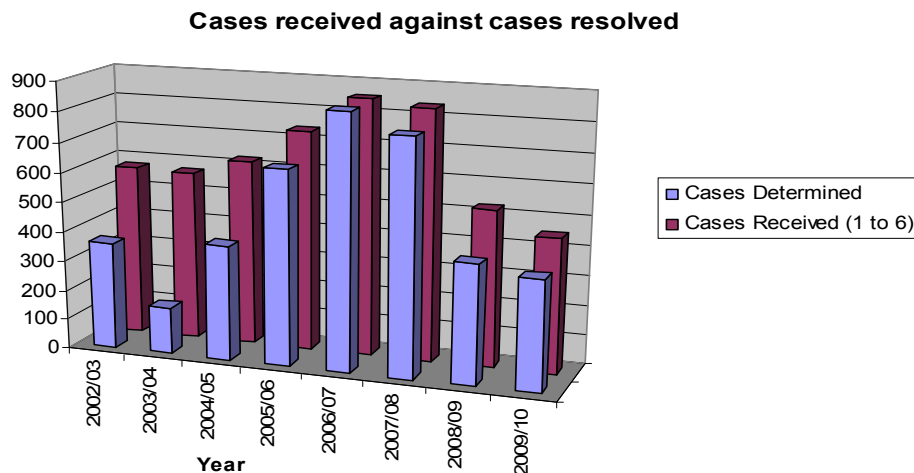
3.1 The number of complaints regarding alleged unauthorised development has been continually monitored. Some of the duties and responsibilities during that period have changed, but it is possible to map the trends. Chart 1 shows the number of alleged breaches of planning control received each month since 2007/08. This information is used to predict when demands are high and low. The chart also shows the fall in cases from 2007 which is due to the current economic situation and the subsequent reduction in development and the restructuring of the service and its responsibilities.

**Chart 1**



3.2 Chart 2 below shows the number of complaints regarding breaches of planning control received against the number determined in the same period. The graph shows the trend from 2002/03 to 2009/10. Currently, we are determining fewer cases than we receive, which has resulted in a back log. There is a back log of 155 cases waiting to be investigated, however we are prioritising these in line with the Council’s adopted Enforcement Policy, as approved by Members in 2009.

**Chart 2**

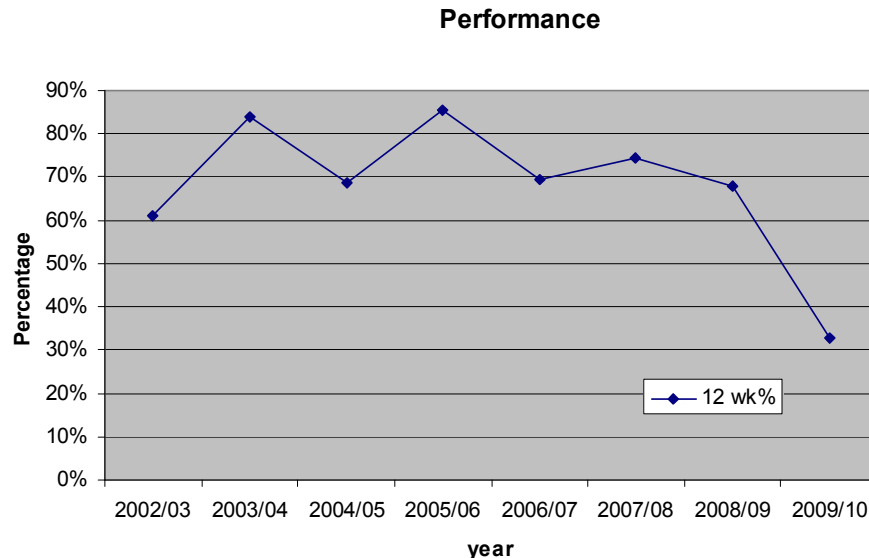


3.3 Chart 3 shows the performance for dealing with complaints to one of five key points within twelve weeks for the years 2002/03 to 2009/10. The downward trend is explained by the reduction in Enforcement team staff and the revised priorities set in the Planning Enforcement Policy, as outlined earlier at 2.3 and 2.5.

The planning enforcement team dealt with:-

- 409 alleged breaches of planning control during the financial year April 2008 to March 2009 of which 278 cases (68%) were dealt with within 12 weeks of receipt,
- 371 alleged breaches of planning control during the financial year April 2009 to March 2010 of which 121 cases (33%) were dealt with within 12 weeks.

**Chart 3**



3.4 We continue to proactively monitor planning permissions and precedent conditions. The level of monitoring has remained fairly consistent.

- 2008/09, 9% of all Enforcement Cases were as a result of proactive monitoring,
- 2009/10, 6% of all Enforcement Cases were as a result of proactive monitoring.

3.5 The Planning Enforcement service receives consultations on Licensing Applications. The Planning Enforcement Service dealt with:-

- 2008/09, 111 licensing consultations, 90% of consultations were sent within 28 days.
- 2009/10, 110 licensing consultations, 93% of consultations were sent within 28 days.

3.6 The Planning Enforcement Service deals with the determination of High Hedge complaints and Initial Enquiries. The service aims to determine all High Hedge complaint applications within 8 weeks, and all Initial Site Survey and Inspection applications within 21 days.

- Between April 2008 and March 2009, we received 3 Formal applications and 5 Initial Site Survey and Inspection applications.

33% of formal complaint applications were determined within 8 weeks.  
 No Site Survey and Inspection applications were determined within 21 days.

- Between April 2009 and March 2010, we received a Formal Application and six Initial Site Survey and Inspection applications.

The formal complaint applications was determined outside the 8 weeks.  
 17% of Site Survey and Inspection applications were determined within 21 days.

3.7 The Planning Enforcement service serves formal notices in cases where negotiation has proven unsuccessful. This demonstrates the Council’s willingness to take action when it is clearly necessary. Chart 4 shows the number of Notices served in 2008/09 and 2009/10 :-

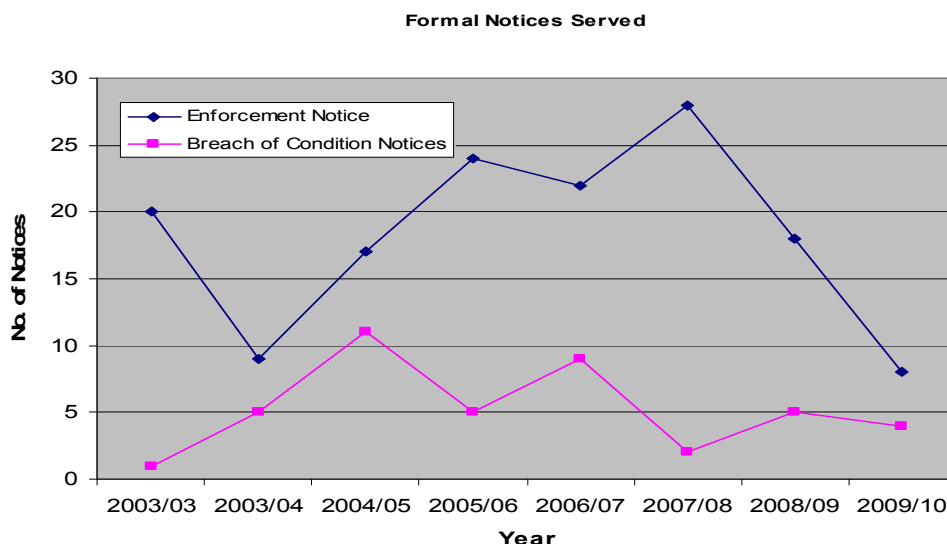
April 2008 and March 2009

- 13 Enforcement Notices
- 5 Breach of Condition Notices

April 2009 and March 2010

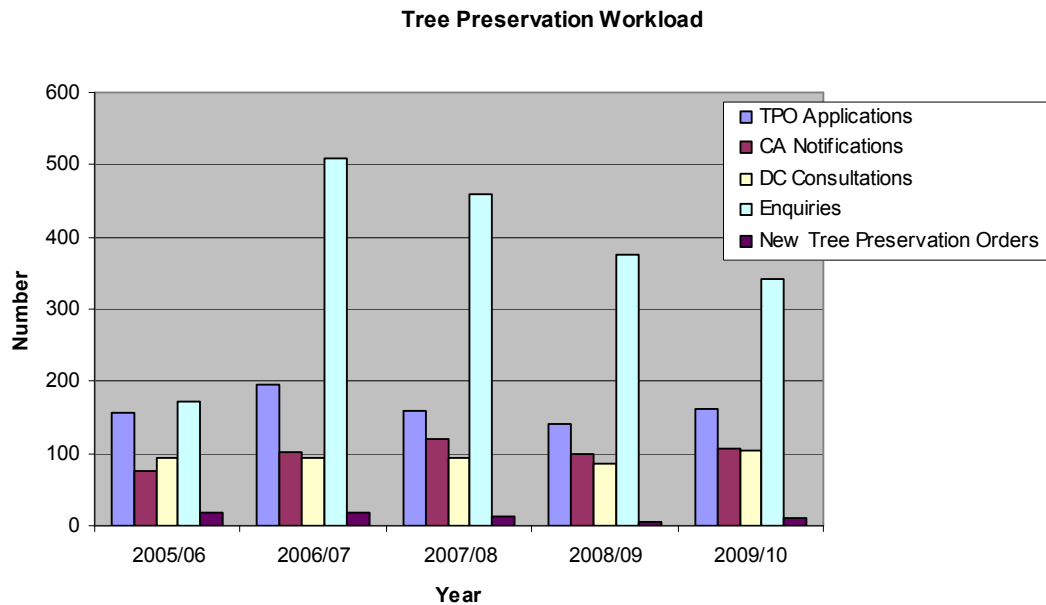
- 8 Enforcement Notices
- 4 Breach of Condition Notices

**Chart 4**



3.8 An important responsibility of the Planning Enforcement Service is the protection of trees and this work is predominantly carried out by one full time member of staff, the Council’s Arboricultural Officer. Workload for 2008/09 consisted of 703 core tasks, and for 2009/10 it was 713.

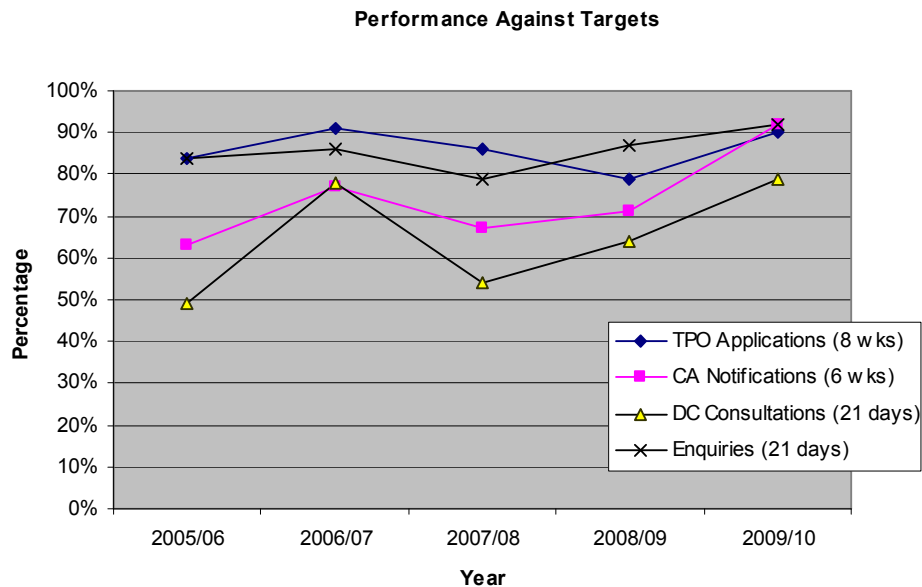
**Chart 5**



- 3.9 There is a target of 8 weeks for dealing with applications for works to protected trees due to Tree Preservation Orders (TPO).
- Between April 2008 to March 2009, 140 TPO applications were received, and 80% were determined within 8 weeks.
  - Between April 2009 to March 2010, 161 TPO applications were received, and 90% were determined within 8 weeks.
- 3.10 All trees in Conservation Areas (CA) are protected and an application is required to do works to them. There is a target of 6 weeks to deal with these applications.
- Between April 2008 to March 2009, 100 CA applications were received, 71% were determined within the 6 weeks.
  - Between April 2009 to March 2010, 106 CA applications were received, 92% were determined within the 6 weeks.
- 3.11 The Arboricultural officer with the Planning Enforcement team is consulted where development proposed by planning applications may affect trees. The target is 21 days in which to reply.
- Between April 2008 to March 2009, 87 consultations were received, of which, 64% received a response within 21 days.
  - Between April 2009 to March 2010, 104 consultations were received, of which, 79% received a response within 21 days.
- 3.12 The Planning Enforcement service now records all enquiries regarding trees. There is a target of 21 days for dealing with enquiries.
- Between April 2008 to March 2009, 376 enquiries were received, of which, 87% received a response within 21 days.
  - Between April 2009 to March 2010, 342 enquiries were received, of which, 92% received a response within 21 days.

3.13 This is the third year that the performance of the service has been monitored. Chart 7 summaries the performance of the service over the period.

**Chart 6**



3.14 The Planning Enforcement service is also responsible for determining and placing new Tree Preservation Orders.

- 2008/09, 5 new Tree Preservation Orders confirmed.
- 2009/10, 10 new Tree Preservation Orders confirmed.

#### **4. Finance and Staffing Implications**

4.1 The flexible use of Development Control staff resources to deal with continued performance and budgetary pressures on the Development Control service are as outlined in the report, and are prioritised to deal with the Council's statutory functions first and foremost. Every effort is made to respond and investigate to all enforcement complaints as soon as possible within the constraints currently placed on the service.

#### **5. Equal Opportunity and Social Inclusion Implications**

5.1 There are no equal opportunity or social inclusion implications arising directly from this report.

#### **6. Community Safety and Local Agenda 21 Implications**

6.1 There are no community safety and local agenda 21 implications arising directly from this report.

#### **7. Local Member Support Implications**

7.1 This report will be of interest to all Members although there are no specific Ward Member implications arising directly from this report.

**8. Anti-Poverty Implications**

8.1 There are no anti-poverty implications arising directly from this report.

**9. Human Rights implications**

9.1 There are no human rights implications arising directly from this report.

**10. Background Papers**

Council Meeting 15 December 2003

Economic Regeneration and Planning Strategic Committee Report 14 January 2004,

Committee Report: The Planning Enforcement Service - 1 June 2006

Committee Report: The Planning Enforcement Service - 17 May 2007

Committee Report: Improving Planning Service and DC Performance - 28 May 2008

Committee Report: Planning Enforcement Policy (March 2009) – 12 March 2009

**11. Recommendation(s)**

11.1 Members are requested to note the report.

**D Green**

**DIRECTOR OF TECHNICAL SERVICES**

This report was prepared by Lee Walsh of the Development Control Section who can be contacted on 0151 606 2237.