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North Somerset Council

Item 11

REPORT TO THE PLANNING & REGULATORY COMMITTEE

DATE OF MEETING: 19 FEBRUARY 2020

**SUBJECT OF REPORT: 2ND QUARTER PLANNING PERFORMANCE
2019/2020**

TOWN OR PARISH: ALL

OFFICER PRESENTING: HEAD OF PLANNING

KEY DECISION: NO

RECOMMENDATIONS:

That the report be **NOTED**.

1. SUMMARY OF REPORT

The service continues to contribute to delivering the Council's vision and ambitions to deliver prosperity and opportunity, health and wellbeing and quality places as set out in the report.

2. POLICY

The Corporate Plan (currently under review) sets out the Council's vision for North Somerset to be "a great place to live where people, businesses and communities flourish" and to provide "modern, efficient services and a strong voice for North Somerset." Being a great place means ensuring three outcomes:

- Prosperity and Opportunity
- Health and wellbeing
- Quality Places

For each outcome, specific ambitions are identified as set follows:

| | | |
|----------------------------|----------------------|----------------|
| Prosperity and Opportunity | Health and wellbeing | Quality Places |
|----------------------------|----------------------|----------------|

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| | | |
|--|--|---|
| <ul style="list-style-type: none"> • <i>Drive growth in the North Somerset economy and local jobs</i> | <ul style="list-style-type: none"> • <i>Enable residents to make healthy choices and promote active lifestyles which reduce ill health and increase independence.</i> | <ul style="list-style-type: none"> • <i>Enable sustainable housing growth which protects our natural and built environment and the special character of our villages</i> |
| <ul style="list-style-type: none"> • <i>Ensure that all our town centres are thriving</i> | <ul style="list-style-type: none"> • <i>Support families to give their children the best start in life</i> | <ul style="list-style-type: none"> • <i>Build and sustain great places to live and visit – vibrant, accessible and safe</i> |
| <ul style="list-style-type: none"> • <i>Enable young people to fulfil their potential</i> | <ul style="list-style-type: none"> • <i>Commission or provide quality health and care services, which deliver dignity, safety and choice.</i> | <ul style="list-style-type: none"> • <i>Empower people to contribute to their community and communities to provide their own solutions.</i> |
| <ul style="list-style-type: none"> • <i>Ensure that all our communities share in prosperity and employment growth</i> | | |

The Council also has a further four enabling ambitions for the council as an organisation. These “enablers” are:

- A transformed council – modern, innovative and accessible
- Skilled and motivated staff, passionate about making North Somerset even better
- Excellence in resource management
- Strong and focussed partnerships

Table 1 Dashboard of Service performance indicators

| Indicator | Target |
|---|---------------|
| <u><i>Prosperity and opportunity</i></u> | |
| % of all planning applications determined within target | > 80% |
| % of major planning applications determined within target | > 70% |
| % of minor planning applications determined within target | > 75% |
| % of other planning applications determined within target | > 86% |
| <u><i>Quality Places</i></u> | |
| % of appeals that were allowed against a planning refusal | <30% |
| % of enforcement notices upheld on appeal | >90% |

Performance against these indicators is addressed below.

3. DETAILS

Planning application and enforcement performance (Q2)

The performance for the second quarter of 2019/20 is set out in table 2 below. Performance for the comparable quarter of the previous financial year (2018/19) is

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shown in column two for comparison. Additional indicators focussing on the key enablers are also included.

Table 2

| Performance Indicator | Q2 18/19 | Q1 19/20 | Q2 19/20 | Year to date 19/20 | Target 19/20 |
|--|----------|---------------|---------------|--------------------|--------------|
| % Of all applications determined < 8 Weeks | 94.8% | 94.63% | 95% | 94.84% | >80% |
| % Of major applications determined in <13 Weeks | 66.7% | 80% | 75% | 76.47% | >70% |
| % Of minor applications determined in <8 Weeks | 95.1% | 95.61% | 95.6% | 95.58% | >75% |
| % Of other applications determined in <8 Weeks | 95.5% | 94.99% | 95.8% | 95.51% | >86% |
| % Of all appeals that were allowed against a planning refusal | 7.69% | 0% | 3 | 0% | <30% |
| % Of enforcement notices upheld on appeal | 0% | None received | None received | N/A | >90% |
| % of applications that are delegated to officers | 95.71% | 96.62% | 96.56% | 97.55% | >90% |
| Registration of Major applications within 10 working days of receipt | 100% | 100% | 100% | 100% | >90% |

The volume and complexity of work continues to be significant and is stretching resources. Despite a number of major housing applications and appeals which have been submitted in response to the Council's housing supply position, performance has been managed by agreeing extensions of determination times with applicants. It should be noted however that capacity constraints in other service areas (e.g.: highways, drainage, ecology) are impacting on the speed with which planning applications are determined. Delay can increase the risk of fees having to be refunded under the national Planning Guarantee unless applicants agree to an extension to time to determine planning applications.

Table 3 shows the appeal success against the refusal of planning permissions (excluding enforcement appeals) and includes performance against all appeals decided, regardless of whether the decision was under delegated powers or by committee.

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Table 3 Appeals Decided

| Performance (Planning Appeals) | Q1 | Q2 | Year to date 19/20 |
|--|-----------|-----------|-----------------------------------|
| Appeals received | 13 | 22 | 35 |
| Appeals decided | 13 | 16 | 29 |
| Appeals dismissed | 13 | 11 | 24 |
| % of appeals dismissed from appeals decided (target >70% dismissed) | 100% | 69% | 83%% |
| % of appeals allowed in cases where Committee refused permission contrary to officer recommendation to approve | 0% | 0% | 0% |

The table below sets out the track record on the major housing appeals.

| Application no | Site | Decision date | Decision |
|-----------------------|--|--------------------------|-----------------|
| 14/P/1901/O | Brinsea Rd, Congresbury | 30/11/15 | Dismissed |
| 15/P/0583/O | North of A368, Sandford | 12/10/16 | Allowed |
| 15/P/0248/O | Knightcott Rd, Banwell | 13/10/16 | Dismissed |
| 15/P/0983/O | Wentwood Drive, WsM | 2/12/16 | Allowed |
| 15/P/0167/O | Bleadon Hill, Bleadon | 2/03/17 | Dismissed |
| 16/P/0150/O | Oldmixon Road, WsM | 10/04/17 | Allowed |
| 15/P/2828/O | Wrington Lane, Congresbury | 14/06/17 | Dismissed |
| 16/P/1291/O | Cox's Green, Wrington | 23/11/17 | Allowed |
| 16/P/1707/O | Brinsea Road, Congresbury | 13/12/17 | Dismissed |
| 15/P/1918/O | Stowey Road, Yatton | 2/01/18 | Dismissed |
| 15/P/0315/O | Farleigh Fields, Backwell | 28/03/18 | Dismissed |
| 16/P/0329/O | Laneys Drove, Locking. | 18/06/18 | Dismissed |
| 17/P/2111/O | Weston Trade Centre, Banwell | 3/01/19 | Dismissed |
| 17/P2344/O | Lostwood, Langford, Churchill | 11/02/19 | Dismissed |
| 17/P/0887/O | North of Greenhill Rd, Sandford | 10/06/19 | Dismissed |
| 16/P/1677/OT2 | Land north of Youngwood Lane Nailsea | 29/11/19 | Allowed |
| 18/P/2423/OUT | Land South of Crookes Lane, Kewstoke | 31/10/19 | Dismissed |
| 17/P/5545/OUT | Land off Bleadon Road, Bleadon | 5/2/20* | Dismissed |
| 18/P/2652/OUT | Land off Elm Grove Nursery Elm Grove, Locking | 16/12/19 | Dismissed** |

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- * corrected decision letter
- ** subject to judicial review

Table 4 shows the total number of appeals and the totals for the various types of appeal processes.

Table 4 Appeals Received

| Appeal Types Received* (Planning Appeals) | Total 14/15 | Total 15/16 | Total 16/17 | Total 17/18 | Total 18/19 | Q2 Total | Total 19 /20 to date |
|--|--------------------|--------------------|--------------------|--------------------|--------------------|-----------------|-----------------------------|
| Public Inquiries | 3 | 2 | 6 | 1 | 2 | 1 | 1 |
| Hearings | 6 | 1 | 2 | 0 | 2 | 1 | 2 |
| Written Representations | 31 | 43 | 28 | 59 | 49 | 19 | 30 |
| Totals | 40 | 46 | 36 | 60 | 53 | 22 | 33 |

* Whilst a public inquiry has taken place in this quarter, the table relates to the date when the appeal was received rather than when the appeal itself takes place.

It should be noted that public inquiries and hearings are resource intensive and put significant pressure on staff and financial resources which impacts on other work areas. As can be seen above four significant housing appeal decisions have been recently received following public inquiries or hearings took place in summer/autumn 2019 for sites at Bleadon, Kewstoke, Nailsea and Locking.

Enforcement Performance

The council's Local Enforcement Plan was updated and agreed by the Committee in November 2019 and determines the priority accorded to each case. Updates are produced for Parish and Town Councils to allow them to track progress on enforcement cases in their parishes. The team is managing high volumes of cases and with related appeal work has to prioritise tightly which means some cases are taking longer to resolve than might normally be the case. Appeal success rate remains good.

Table 6 sets out the number of notices served.

Table 6

| Notices Served | Q2 19/20 | Total 19/20 to date | Total 18/19 | Total 17/18 | Total 16/17 | Total 15/16 |
|------------------------|-----------------|----------------------------|--------------------|--------------------|--------------------|--------------------|
| *PCN's and 330 Notices | 16 | 27 | 31 | 41 | 45 | 52 |
| **BCN's | 0 | 0 | 2 | 5 | 1 | 0 |

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|------------------------|---|-----------|----|----|----|----|
| Enforcement Notices | 7 | 11 | 19 | 17 | 22 | 14 |
| Stop Notices | 0 | 0 | 0 | 0 | 0 | 0 |
| Temporary Stop Notices | 0 | 0 | 0 | 1 | 0 | 0 |
| Injunctions | 0 | 0 | 0 | 0 | 0 | 1 |
| ***Section 215 Notices | 0 | 0 | 3 | 0 | 1 | 0 |

* Planning Contravention Notice

** Breach of Condition Notice

*** Notices that deal specifically with the visual amenity of land/buildings.

As well as formal enforcement action being taken through the issuing of formal notices and the instigation of prosecution action the Enforcement team has been active in resolving cases without the need for formal action. This is done by negotiation and in liaison with its partners.

Enablers

Resource Management

The volume of the main work areas is set in table 7

Table 7

| Performance Target | Q2 18/19 | Q1 19/20 | Q2 19/20 | Year 19/20 to date |
|---|-----------------|-----------------|-----------------|---------------------------|
| No. of applications received | 454 | 426 | 398 | 824 |
| No. of planning and enforcement appeals received | 15 | 14 | 23 | 14 |
| Reported alleged breaches of planning control (Enforcement) | 154 | 166 | 159 | 325 |

Budget savings are being achieved through vacancy management in accordance with the Council's financial management strategy. Income is generated through planning application fees, pre-application and permitted development advice, planning performance agreements and searches of the Historic Environment Record. There are income targets for each fee earning area, the largest being for planning application fees. Fee income levels are down on last year largely due to a reduction in the number major applications and uncertainty around the Joint Spatial Plan.

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Plan making costs are significant with the Council responsible for the costs of the examination process for statutory planning documents. This includes contributing to the substantial costs of the Joint Spatial Plan making process together with the Bristol City, South Gloucestershire and Bath & North East Somerset Councils.

The round of recent public inquiries incurred significant additional expenditure on legal and consultancy advice.

Staffing

A member of the Applications & Consents team is currently on maternity leave and a temporary replacement has been recruited. Two Principal Planning Officers have retired. A part time post dealing with major applications currently remains vacant following an unsuccessful recruitment process whilst a full-time post in the Planning Policy team has been filled by an internal promotion. The vacancy arising as a result is to be advertised. A post which is responsible for assisting with planning conditions is in the process of being filled.

Service Transformation

A phase 2 project to implement further modules in the new back office ICT system (Uniform) continues to progress although some delay has been caused by data transfer and testing issues. Planning and Building Control officers have been equipped with mobile technology to improve efficiency on site. Paperless working for minor applications has been introduced and will be rolled out to major applications in due course.

4. CONSULTATION

All policy documents and planning applications are the subject of consultation. Regular liaison meetings take place with Town and Parish Councils and an Agents forum to discuss service issues.

5. FINANCIAL IMPLICATIONS

As set out in the report.

6. EQUALITY IMPLICATIONS

Equality issues are taken into account in all relevant development management decisions.

7. CORPORATE IMPLICATIONS

The Group plays a role in meeting a number of corporate aims and performance indicators.

8. OPTIONS CONSIDERED

Options for service improvement are under constant consideration.

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AUTHOR

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BACKGROUND PAPERS

Corporate Plan

Service Strategy

Statistical returns.

Customer complaints

Group Budgets