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# North Somerset Council

## Item 8

### **REPORT TO THE PLANNING & REGULATORY COMMITTEE**

**DATE OF MEETING: 17 FEBRUARY 2021**

**SUBJECT OF REPORT: 3RD QUARTER PLANNING PERFORMANCE  
2020/21**

**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 priorities to deliver an open, fairer, greener North Somerset as set out in the report.

#### **2. POLICY**

The Corporate Plan updated in August sets out the Council's vision for North Somerset. The Council's vision is to secure "an open, fairer, greener North Somerset". The 3 core priorities are to be:

- a thriving and sustainable place
- a council which empowers and cares about people
- an open and enabling organisation

These priorities set the direction for Directorate and Team planning. As part of this, the Planning and Building Control service contributes to corporate performance indicators (KCPI's) to track how it is working to deliver the council's priorities. These include progress against key milestones for progressing the new Local Plan; five year housing land supply; performance against targets for major and minor planning applications; projects related to the Heritage Action Zone (HAZ); and progressing council development projects.

Within this framework, the service has a number of specific performance indicators as set out in table 1.

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Table 1 Dashboard of Service performance indicators

<b>Indicator</b>	<b>Target</b>
% 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%
% 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 (Q3)

The performance for the third quarter of 2020/21 is set out in table 2 below. Performance for the comparable quarter of the previous financial year (2019/20) is shown in column two for comparison. Additional indicators focussing on the key enablers are also included.

Table 2

<b>Performance Indicator</b>	<b>Q3 19/20</b>	<b>Q2 20/21</b>	<b>Q3 20/21</b>	<b>Year 20/21</b>	<b>Target 20/21</b>
% Of all applications determined < 8 Weeks or agreed time limit	92.4%	91.0%	89.9%	89.96%	>80%
% Of major applications determined in <13 Weeks or agreed time limit	87.5%	63.6%	84.6%	76.47%	>70%
% Of minor applications determined in <8 Weeks or agreed time limit	86.2%	86.3%	88.5%	87.38%	>75%
% Of other applications determined in <8 Weeks or agreed time limit	94.9%	93.7%	90.4%	91.19%	>86%
% Of all appeals that were allowed against a planning refusal	13.64%	31.33%	27.78	27.50%	<30%
% Of enforcement notices upheld on appeal	0%	100%	50%	42.86%	>90%
% of applications that are delegated to officers	97.57	93.57%	95.96%	95.14%	>90%
Registration of Major applications within 10 working days of receipt	100%	100%	100%	100%	>90%

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All staff have been working from home since the end of March 2020 due to the Covid-19 restrictions. This has required a change in operational arrangements which, coupled with the nature and complexity of work, is stretching resources. 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 also 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.

Table 3 Appeals Decided

<b>Performance (Planning Appeals)</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Year 20/21 to date</b>
Appeals received	14	9	16		39
Appeals decided	6	13	18		37
Appeals dismissed	6	10	13		29
% of appeals dismissed from appeals decided (target >70% dismissed)	100%	77%	72%		78%
% of appeals allowed in cases where Committee refused permission contrary to officer recommendation to approve	0%	0%	0%		0%

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

Table 4 Appeals Received

<b>Appeal Types Received* (Planning Appeals)</b>	<b>Total 14/15</b>	<b>Total 15/16</b>	<b>Total 16/17</b>	<b>Total 17/18</b>	<b>Total 18/19</b>	<b>Total 19/20</b>	<b>Q3 Total</b>	<b>Total 20/21</b>
Public Inquiries	3	2	6	1	2	3	1	1
Hearings	6	1	2	0	2	2	0	2
Written Representations	31	43	28	59	49	55	15	36
Totals	40	46	36	60	53	60	16	39

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\* 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.

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 with an increase in work arising during the Covid-19 lockdown. Together with related appeal work this means the team has to prioritise very tightly resulting in 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	Q3 20/21	Total 20/21	Total 19/20	Total 18/19	Total 17/18	Total 16/17	Total 15/16
*PCN's and 330 Notices	2	19	43	31	41	45	52
**BCN's	0	0	0	2	5	1	0
Enforcement Notices	1	14	16	19	17	22	14
Stop Notices	0	0	0	0	0	0	0
Temporary Stop Notices	0	0	0	0	1	0	0
Injunctions	0	0	0	0	0	0	1
***Section 215 Notices	0	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.

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Resource Management

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

Table 7

Performance Target	Q3 19/20	Q2 20/21	Q3 20/21	Year 20/21
No. of applications received	413	453	446	817
No. of planning and enforcement appeals received	21	13	22	31
Reported alleged breaches of planning control (Enforcement)	141	151	131	432

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 for the first half of this year is down on forecast due to the effect of the pandemic in the first quarter of the year. It has improved in Q3 and is being closely monitored but is currently forecast to be approximately £300k below budget.

Plan making costs are significant with the Council responsible for the costs of the examination process for statutory planning documents. The Local plan “Challenges” consultation process took place during Q2 with the “Choices” consultation concluded in December. Work is now underway assessing the responses and shaping the options for the spatial strategy for consideration by Members. Public inquiries incur significant additional expenditure on legal and, where applicable, consultancy advice. In this respect, Bristol Airport has lodged an appeal against the refusal of planning permission by the Council with a public inquiry fixed to start on 20<sup>th</sup> July for approximately 4 weeks. A QC and team of consultants have been appointed which will result in the council incurring significant expenditure.

Staffing

A member of the Applications & Consents team has returned from maternity leave on a part time basis shortly. A temporary maternity cover replacement officer has therefore left the Council. Another part time member of the team is due to retire at the end of March and a recruitment process is underway to secure a replacement.

Service Transformation

A phase 2 project to implement further modules in the new back office ICT system (Uniform) has concluded. Paperless working for minor applications was introduced in January and is now being introduced for major applications. A wider Directorate

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Transformation Programme is underway and as part of this a Peer Review of the Planning service has been arranged for Q4..

#### Housing land supply

The number of major housing appeals in recent years has arisen largely as a result of the Council's 5 year housing supply position.

The council's most recently published land supply position is dated April 2020 and shows that we can currently demonstrate 4.2 years. This is a marginal improvement on the previously tested position where at a public inquiry into Land at Bleadon Road the Inspector's decision dated February 2020 confirmed that the broad magnitude of supply was around 4 years. To restore the position to five years we need to continue bringing forward the already identified allocations and grant further permissions.

As well as maintaining a supply of deliverable sites going forwards, the council are also assessed on the past three year's performance of housing delivery against targets, in the form of the Housing Delivery Test. Our most recent result (2017-2020) shows that we achieved 81%. Whilst this is an improvement on the previous result of 78% it does mean that we need to produce a Housing Delivery Test Action Plan again this year, to identify what may be causing the under delivery, and suggest actions that could boost supply in future.

#### **4. CONSULTATION**

All policy documents and planning applications are the subject of consultation. Prior to lockdown, regular liaison meetings took 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**

Richard Kent, Head of Planning.

**BACKGROUND PAPERS**

Corporate Plan  
Directorate Statement  
Statistical returns  
Customer complaints and compliments  
Group Budgets