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North Somerset Council

Item 7

REPORT TO THE PLANNING & REGULATORY COMMITTEE

DATE OF MEETING: 16TH FEBRUARY 2022

**SUBJECT OF REPORT: 3RD QUARTER PLANNING PERFORMANCE
2021/22**

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 2020-24 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; housing delivery; performance against targets for major and minor planning applications and implementing the Planning Advisory Service peer review recommendations.

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

Indicator	Target
% 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 2021/22 is set out in table 2 below. Performance for the comparable quarter of the previous financial year (2020/21) is shown in column two for comparison. Additional indicators focussing on the key enablers are also included.

Table 2

Performance Indicator	Q3 20/21	Q2 21/22	Q3 21/22	Year 21/22	Target 21/22
% Of all applications determined < 8 Weeks or agreed time limit	89.9%	92.9%	92.4%	91.17%	>80%
% Of major applications determined in <13 Weeks or agreed time limit	76.47%	66.7%	60%	67.74%	>70%
% Of minor applications determined in <8 Weeks or agreed time limit	87.38%	85.5%	92.9%	88.58%	>75%
% Of other applications determined in <8 Weeks or agreed time limit	91.19%	96.1%	96.8%	92.73%	>86%
% Of all appeals that were allowed against a planning refusal	27.5%	22.2%	17.65%	21.43%	<30%
% Of enforcement notices upheld on appeal	42.86%	0%	33%	33%	>90%
% of applications that are delegated to officers	95.14%	96.72%	93.5%	95.7%	>90%
Registration of Major applications within 10 working days of receipt	100%	100%	100%	100%	>90%

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Planning application numbers have recovered to pre-lockdown levels with the number of applications received to date at its highest level since 2017/18. All staff continue to work from home as has been the case since the end of March 2020 due to the Covid-19 restrictions. This required a change in operational arrangements which, coupled with the nature and complexity of work, stretched 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) have also impacted 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. This shows a continuing strong performance in the defence of the Council's decisions on appeal.

Table 3 Appeals Decided

Performance (Planning Appeals)	Q1	Q2	Q3	Year 21/22 to date
Appeals received	7	7	7	21
Appeals decided	11	9	6	26
Appeals dismissed	9	7	6	22
% of appeals dismissed from appeals decided (target >70% dismissed)	82%	78%	100%	88%
% 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

Appeal Types Received* (Planning Appeals)	Total 15/16	Total 16/17	Total 17/18	Total 18/19	Total 19 /20	Total 20/21	Q3 Total	Total 21/22
Public Inquiries	2	6	1	2	3	1	3	3
Hearings	1	2	0	2	2	2	1	1

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Written Representations	43	28	59	49	55	36	3	17
Totals	46	36	60	53	60	39	7	21

* 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. This year the Council has been particularly stretched in Q1 and Q2 by the appeal against the refusal of planning permission for the expansion of Bristol Airport. That public inquiry started on 20th July and ran until 8th October.

In Q3 the Council received 3 almost simultaneous appeals from developers against the refusal of major housing developments at Yatton and Backwell. Under relatively new Planning Inspectorate (PINs) procedures for appeals to be decided by public inquiry, public inquiry dates are now fixed with the objective of the inquiry taking place between 13 and 16 weeks of the appeal being lodged. This has resulted in the Council having to manage preparation for 3 public inquiries each of between 6 and 8 days in length starting on 15th February, 1st March and 15th March respectively. In addition a further 9 written representation appeals were received in December/January all with deadlines for submission of cases within 2 weeks of each other in February. This is all proving to be a significant challenge on resources which have to be pulled away from routine casework.

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 sound although the team was stretched by a sequence of public inquiries held over the summer and autumn. In January the team was also successful in securing a Planning Enforcement Order through the High Court.

Table 6 sets out the number of notices served.

Table 6

Notices Served	Q3 21/22	Total 21/22	Total 20/21	Total 19/20	Total 18/19	Total 17/18	Total 16/17
*PCN's and 330 Notices	3	11	19	43	31	41	45
**BCN's	0	0	0	0	2	5	1

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Enforcement Notices	10	12	14	16	19	17	22
Stop Notices	0	0	0	0	0	0	0
Temporary Stop Notices	0	0	0	0	0	1	0
Injunctions	0	0	0	0	0	0	0
***Section 215 Notices	0	0	0	0	3	0	1

* 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.

Resource Management

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

Table 7

Performance Target	Q3 20/21	Q2 21/22	Q3 21/22	Year 21/22
No. of applications received	446	462	434	1433
No. of planning and enforcement appeals received	22	7	8	22
Reported alleged breaches of planning control (Enforcement)	131	150	118	507

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 year to date is currently below forecast but has improved since last year.

Plan making costs are significant with the Council responsible for the costs of the examination process for statutory planning documents. Work has progressed with the draft Preferred Options (Consultation Draft) for the Local Plan 2036 which

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agreed by the Executive on 2nd February. Public inquiries incur significant additional expenditure on legal fees and in recent cases, consultant witnesses. In this respect, the Bristol Airport appeal incurred very significant expenditure with a QC and team of consultants been appointed to defend the Council's reasons for refusal. The housing inquiries referred to above also incur barrister's fees and consultants costs due to the in-house resources not being available. Due to staff turnover, consultants were also employed to successfully fight 3 enforcement cases in the autumn.

Staffing

Following the retirement of 2 part time members of the Applications & Consents team and the departure of a third member of the team to join WECA, two new full time officers have joined the team. A Principal Planning Officer in the Strategic Development left for another Council in November and has been replaced through an internal promotion. A recruitment is under way to secure a replacement. Recruitment is also taking place for a Development Contributions Officer to improve the operation of the Council's CIL and S106 processes.

Some internal reorganisation of teams took place from January with the creation of a new Heritage and Design Team which is currently recruiting for two new urban designers (one to replace the current postholder who is leaving).

Building Control currently has two vacant posts and recruitment for replacements remains ongoing. Another member of the team is on maternity leave and temporary cover arrangements have been put in place.

Service Transformation

A Peer Review of the Planning service was carried out in January by the Planning Advisory Service. The recommendations of the Peer Review were considered by a member working group and subsequently agreed by Council on 19th July. The recommendations are currently in the process of being implemented.

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.

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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.

AUTHOR

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BACKGROUND PAPERS

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