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North Somerset Council

Item 7

REPORT TO THE PLANNING AND REGULATORY COMMITTEE

DATE OF MEETING: 16 NOVEMBER 2022

**SUBJECT OF REPORT: 2ND QUARTER PLANNING PERFORMANCE
2022/23**

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; updating the Local Enforcement Plan; performance against targets for major and minor planning applications and completion of the implementation of the Planning Advisory Service peer review recommendations for the provision of pre-application advice.

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

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 (Q2)

The performance for the second quarter of 2022/23 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 | Q2 21/22 | Q1 22/23 | Q2 22/23 | Year 22/23 to date | Target 22/23 |
|--|-------------|-------------|-------------|-----------------------------------|-------------------------|
| % Of all applications determined < 8 Weeks or agreed time limit | 92.9% | 84.54% | 92.8% | 88.38% | >80% |
| % Of major applications determined in <13 Weeks or agreed time limit | 66.7% | 100% | 78.6% | 82.35% | >70% |
| % Of minor applications determined in <8 Weeks or agreed time limit | 85.5% | 78.57% | 89.9% | 78.57% | >75% |
| % Of other applications determined in <8 Weeks or agreed time limit | 96.1% | 86.96% | 94.4% | 90.38% | >86% |
| % Of all appeals that were allowed against a planning refusal | 22.2% | 35.00% | 14.29% | 29.63% | <30% |
| % Of enforcement notices upheld on appeal | 0% | 0% | 0% | 0% | >90% |
| % of applications that are delegated to officers | 100% | 100% | 98.21% | 99.17% | >90% |

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|--|------|------|------|------|------|
| Registration of Major applications within 10 working days of receipt | 100% | 100% | 100% | 100% | >90% |
|--|------|------|------|------|------|

Due to resource pressures, performance has been managed partly by agreeing extensions of determination times with applicants. For the 24 months ending March 2022 39% of non-major applications had agreed extensions of time against a national average 38%. It should be noted that capacity constraints in other service areas (e.g. highways, drainage, ecology) impact 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 sound performance in the defence of the Council's decisions on appeal.

Table 3 Appeals Decided

| Performance (Planning Appeals) | Q1 | Q2 | Q3 | Q4 | Year 22/23 to date |
|--|-----------|-----------|-----------|-----------|---------------------------|
| Appeals received | 11 | 11 | | | 22 |
| Appeals decided | 20 | 7 | | | 27 |
| Appeals dismissed | 13 | 6 | | | 19 |
| % of appeals dismissed from appeals decided (target >70% dismissed) | 65% | 86% | | | 70% |
| % of appeals allowed in cases where Committee refused permission contrary to officer recommendation to approve | 100% | 100% | | | 100%* |

* Application 19/P/3197/FUL Land at Moor Rd, Yatton

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

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Table 4 Appeals Received

| Appeal Types Received* (Planning Appeals) | Total 18/19 | Total 19 /20 | Total 20/21 | Total 21/22 | Q2 Total | Total 22/23 year to date |
|---|-------------|--------------|-------------|-------------|----------|--------------------------|
| Public Inquiries | 2 | 3 | 1 | 9 | 0 | 1 |
| Hearings | 2 | 2 | 2 | 2 | 0 | 0 |
| Written Representations | 49 | 55 | 36 | 30 | 11 | 21 |
| Totals | 53 | 60 | 39 | 50 | 11 | 22 |

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

As previously reported, public inquiries and hearings are resource intensive and put significant pressure on staff and financial resources which impacts on other work areas. In addition to the 3 public inquiries against the refusal of major housing developments at Yatton and Backwell which took place in Q4 last year, two further inquiries took place in Q1 this year for sites in Churchill and Wrington which continued to create resource challenges. A 6th public inquiry for an airport park and ride site at Hewish is scheduled for November/December and has required significant work to be carried out during this quarter.

The decisions on the major housing sites determined by public inquiry this year are set out in the table below.

| Application no | Site | Decision | Date of appeal decision |
|----------------|--|-----------|-------------------------|
| 19/P/3197/FUL | Land at Moor Rd, Yatton | Allowed | 27 April 2022 |
| 21/P/0236/OUT | Rectory Farm, Chescombe Road, Yatton | Allowed | 15 June 2022 |
| 21/P/1766/OUT | Land at Farleigh Farm and 54 and 56 Farleigh Rd, Backwell | Allowed | 22 June 2022 |
| 21/P/2049/OUT | Land to the east of Church Lane and north of Front Street, Churchill | Dismissed | 2 August 2022 |
| 20/P/2990/OUT | Land off Butts Batch, Wrington Land Adjacent to Westward Close, Wrington | Dismissed | 25 August 2022 |

An officer briefing was held for P&R Committee members on 15th June with the barrister representing the Council at the appeals to feedback on these appeals and explain the implications for future decision making.

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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. Work is underway on an update to the plan for the Committee to consider at its next meeting in December. Updates are produced for Parish and Town Councils to allow them to track progress on enforcement cases in their parishes. The team is still managing a backlog following an increase in work which arose during the Covid-19 lockdown. Together with related appeal work and staffing issues this means the team continues to have to prioritise very tightly resulting in cases are taking longer to resolve than might normally be the case.

Table 6 sets out the number of notices served.

Table 6

| Notices Served | Q2 totals | Total 22/23 | Total 21/22 | Total 20/21 | Total 19/20 |
|------------------------|-----------|-------------|-------------|-------------|-------------|
| *PCN's and 330 Notices | 6 | 9 | 15 | 19 | 43 |
| **BCN's | 2 | 2 | 0 | 0 | 0 |
| Enforcement Notices | 2 | 7 | 14 | 14 | 16 |
| Stop Notices | 0 | 0 | 0 | 0 | 0 |
| Temporary Stop Notices | 0 | 0 | 0 | 0 | 0 |
| Injunctions | 0 | 0 | 0 | 0 | 0 |
| ***Section 215 Notices | 0 | 0 | 0 | 0 | 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.

Resource Management

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

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Table 7

| Performance Target | Q2 21/22 | Q1 22/23 | Q2 22/23 | Year 22/23 to date |
|---|----------|----------|----------|--------------------|
| No. of applications received | 453 | 369 | 399 | 768 |
| No. of planning and enforcement appeals received | 13 | 13 | 12 | 25 |
| Reported alleged breaches of planning control (Enforcement) | 151 | 123 | 116 | 239 |

Following a surge last year, householder planning application numbers have reverted to 20/21 levels. The number of minor applications received is comparable to Q2 last year whilst major applications received in Q2 are down on the same period last year but comparable to 20/21 levels.

Budget savings are being achieved through vacancy management in accordance with the Council's financial management strategy. The vacancy management savings target for the planning services for 2022/23 is £89.5k and a further £18.8k for Building Control.

Income is generated through planning application fees, pre-application and permitted development advice, and planning performance agreements. There are income targets for each fee earning area, the largest being for planning application fees. Whilst application fee income for July was significantly below target, it was offset by above average receipts in August. Fee income for the year to date is forecast to achieve its £1.56m target although this is highly dependent on the number of planning applications received in the second half of the year.

Plan making costs are significant with the Council responsible for the costs of the examination process for statutory planning documents. Work is ongoing on a submission draft plan following the consultation on the draft Preferred Options (Consultation Draft) for the Local Plan 2036 with Counsel's advice and consultancy support procured for specialist areas.

Public inquiries incur significant additional expenditure on legal fees and in recent cases, consultant witnesses have been used to assist where necessary. The housing inquiries referred to above also incur barrister's fees as well as consultants costs due to the in-house resources not being available.

Staffing

Two new Planning Officers have recently joined the Applications and Consents team to fill vacancies created by internal promotion and turnover. The vacant Planning Applications Manager post which arose from the departure for family reasons of the previous postholder has been filled by internal promotion. A third vacant Planning Officer post responsible primarily for the discharge of planning conditions for the

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Strategic Developments Team is filled from the end of October. Due to the volume of major and complex applications submitted (or due to be submitted) a new Principal Planning Officer post has been created. To date no suitable applicants have come forward. A second Principal Planning officer post has become vacant due to the promotion referred to above and has been advertised. A third Principal Planner is due to start maternity leave in November and a temporary Agency contractor is being recruited to provide cover.

Building Control continues to have vacant posts and attempts to recruit replacements remains ongoing. Another member of the team is on maternity leave but due to return at Christmas.

Service Transformation

A Peer Review of the Planning service was carried out in January 2021 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 have been largely implemented. Work is still in progress regarding recommendations addressing pre-application processes, enforcement and codes of conduct.

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.

AUTHOR

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BACKGROUND PAPERS

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