

SECTION 3

North Somerset Council

Item 7

REPORT TO THE PLANNING AND REGULATORY COMMITTEE

DATE OF MEETING: 22 FEBRUARY 2023

**SUBJECT OF REPORT: 3RD 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	Q3 21/22	Q2 22/23	Q3 22/23	Year 22/23 to date	Target 22/23
% Of all applications determined < 8 Weeks or agreed time limit	92.4%	92.8%	92.1%	89.56%	>80%
% Of major applications determined in <13 Weeks or agreed time limit	60%	78.6%	88.90%	84.62%	>70%
% Of minor applications determined in <8 Weeks or agreed time limit	92.9%	89.9%	94.9%	83.76%	>75%
% Of other applications determined in <8 Weeks or agreed time limit	96.8%	94.4%	95.0%	86.72%	>86%
% Of all appeals that were allowed against a planning refusal	17.65%	14.29%	0%	17.78%	<30%
% Of enforcement notices upheld on appeal	33%	0%	0%	0%	>90%
% of applications that are delegated to officers	100%	98.21%	98.79%	99.05%	>90%

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Registration of Major applications within 10 working days of receipt	100%	100%	100%	100%	>90%
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Due to resource pressures, performance has been managed partly by agreeing extensions of determination times with applicants. For the year ending September 2022 47% applications had agreed extensions of time against a national average of 42%. Over the same period, the Council approved 92% of all planning applications (national average 87%) with 92% of the decisions made under delegated powers.

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	Year 22/23 to date
Appeals received	11	11	5	27
Appeals decided	20	7	9	36
Appeals dismissed	13	6	9	28
% of appeals dismissed from appeals decided (target >70% dismissed)	65%	86%	100%	78%
% of appeals allowed in cases where Committee refused permission contrary to officer recommendation to approve	100%	100%	100%	100%*

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

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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 18/19	Total 19 /20	Total 20/21	Total 21/22	Q3 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	5	26
Totals	53	60	39	50	5	27

* 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 took place in Q3 and in January the service took part in a 2 day planning and enforcement appeal hearing regarding a site in Banwell. These all required significant work to be carried out during Q3. Two further public inquiries are scheduled for May/June 2023 and work is already taking place in preparation for them .

The decisions on the 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

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20/P/1438/FUL	Land adjacent to Heathfield Park Bristol Road Hewish, Hewish	Decision awaited	
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An officer briefing was held for P&R Committee members on 15 June with the barrister representing the Council at the housing appeals to feedback on these appeals and explain the implications for future decision making.

Enforcement Performance

The council's Local Enforcement Plan was updated and agreed by the Committee at its December meeting and determines the priority accorded to each case. Case updates are produced quarterly for Parish and Town Councils to allow them to track progress on enforcement cases in their parishes. High caseloads coupled with appeal work and staffing issues means the team continues to have to prioritise very tightly.

Table 6 sets out the number of notices served.

Table 6

Notices Served	Q3 totals	Total 22/23	Total 21/22	Total 20/21	Total 19/20
*PCN's and 330 Notices	6	15	15	19	43
**BCN's	0	2	0	0	0
Enforcement Notices	0	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 through 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 21/22	Q2 22/23	Q3 22/23	Year 22/23 to date
No. of applications received	434	399	359	1127
No. of planning and enforcement appeals received	8	12	5	30
Reported alleged breaches of planning control (Enforcement)	118	116	120	359

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. Fee income for the year to date is forecast to achieve a shortfall on the 2022/23 £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 continues 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 inquiries referred to above also incur barrister's fees as well as consultants costs due to the in-house resources not being available.

Staffing

Due to the volume of major and complex applications submitted (or due to be submitted) a new Principal Planning Officer post was created last year. To date no suitable applicants have come forward. A second Principal Planning officer post has since become vacant due to the promotion of the previous postholder and has been advertised. A third Principal Planner in the same team started maternity leave in November and a temporary Agency contractor has been recruited to provide cover.

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A further part time Senior Planning Officer is due to go on maternity leave from April and temporary cover is being sought.

In the Planning Policy team, a part time Principal Planning Officer retires in February. Following a review of CIL/S106 process and capacity, an additional part time CIL administrative role is being created (funded from CIL receipts) to assist with the management of the process and provide additional support to the existing Development Contributions Officer.

The Building Control service vacancies have been filled with a member of staff returning from maternity leave.

Resourcing has undoubtedly been an industry wide problem across the local government planning sector and is recognised by Government in its forthcoming reforms with a proposed increase in planning application fees to help LPAs increase capacity. It is understood that there will be a consultation on national fee level increases starting shortly. It will be important for us to consider how any additional income can be used to improve the opportunities for resourcing the service.

The pressure locally on the planning enforcement team also reflects the pressure on planning enforcement nationally. In November 2022, the Royal Town Planning Institute (RTPI) published a report commissioned by the Department for Levelling Up, Housing and Communities on "Planning Enforcement Resourcing". The report concluded *"that enforcement teams at local authorities across England are being stretched to their limits, facing immense pressure from both politicians and the public"*. It found that enforcement teams nationally face recruitment challenges and insufficient resources within teams, PINs and the legal system adds delays.

Service Transformation

A Peer Review of the Planning service was carried out in January 2021 by the Planning Advisory Service. 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.

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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