

SECTION 3

North Somerset Council

Item 11

REPORT TO THE PLANNING AND REGULATORY COMMITTEE

DATE OF MEETING: 15 NOVEMBER 2023

**SUBJECT OF REPORT: 2ND QUARTER PLANNING PERFORMANCE
2023/24**

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 is being refreshed but currently 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 (Q4)

The performance for the second quarter of 2023/24 is set out in table 2 below. Performance for the comparable quarter of the previous financial year (2022/23) is shown in column two for comparison. Additional indicators focussing on the key enablers are also included.

Table 2

Performance Indicator	Q2 22/23	Q1 23/24	Q2 23/24	Year to date 23/24	Target 23/24
% Of all applications determined < 8 Weeks or agreed time limit	92.8%	90%	88.5%	89.29%	>80%
% Of major applications determined in <13 Weeks or agreed time limit	78.6%	85.71%	71.4%	80.95%	>70%
% Of minor applications determined in <8 Weeks or agreed time limit	89.9%	82.22%	83.7%	82.98%	>75%
% Of other applications determined in <8 Weeks or agreed time limit	94.4%	93.52%	91.8%	92.71%	>86%
% Of all appeals that were allowed against a planning refusal	14.29%	0.00%	0.00%	0.00%	<30%
% Of enforcement notices upheld on appeal	0%	0%	0%	0%	>90%
% of applications that are delegated to officers	98.21%	96.56%	95.88%	95.84%	>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. This also allows applicants to ask for more time to resolve issues with their applications to enable them to be approved rather than being refused simply to meet a fixed target date. For the year ending June 2023 52% applications had agreed extensions of time against a national average of 43% and south west average of 46%. Over the same period, the Council approved 92% of all planning applications (national average 87%; SW average 90%) with 96% of the decisions made under delegated powers (national average 96%; SW average 97%).

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	Year to date 23/24
Appeals received	7	14	21
Appeals decided	2	8	10
Appeals dismissed	2	8	10
% of appeals dismissed from appeals decided (target >70% dismissed)	0%	0%	0%
% of appeals allowed in cases where Committee refused permission contrary to officer recommendation to approve	0%	0%	0%

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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	Total 22/23	Q2 Total	Year to date 23/24
Public Inquiries*	2	3	1	9	3	0	0
Hearings	2	2	2	2	0	1	1
Written Representations	49	55	36	30	28	13	20
Totals	53	60	39	50	31	14	21

* Whilst public inquiries may 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 are resource intensive and put significant pressure on staff and financial resources which impacts on other work areas. Two public inquiries took place for sites adjacent to Weston-super-Mare and to Long Ashton in May/June 2023 and a significant amount of work to prepare for them was carried out in Q1 and Q2.

The decisions on the sites determined by public inquiry since April 2022 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
20/P/1438/FUL	Land adjacent to Heathfield Park Bristol Road Hewish, Hewish	Dismissed*	6 March 2023
20/P/1579/OUT	Land at Lynchmead Farm, WsM	Dismissed**	20 June 2023

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21/P/3076/OUT	Land South of Warren Lane, Long Ashton,	Dismissed	29 August 2023
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* partial award of costs to the Council

** subject to High Court challenge to be heard 30th November

Training for Councillors on the planning process took place on 2nd and 6th June following the May local elections with a further session planned.

Enforcement Performance

The council's Local Enforcement Plan was updated and agreed by the Committee at its December 2022 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	Q2 totals	Year to date 23/24	Total 22/23	Total 21/22	Total 20/21	Total 19/20
*PCN's and 330 Notices	7	10	19	15	19	43
**BCN's	0	1	4	0	0	0
Enforcement Notices	4	6	11	14	14	16
Stop Notices	0	1	0	0	0	0
Temporary Stop Notices	0	1	0	0	0	0
Injunctions	0	0	0	0	0	0
***Section 215 Notices	0	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.

Resource Management

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

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Table 7

Performance Target	Q2 22/23	Q1 23/24	Q2 23/24	Year 23/24 to date
No. of applications received	399	384	367	751
No. of planning and enforcement appeals received	12	7	15	22
Reported alleged breaches of planning control (Enforcement)	116	135	139	274

Budget savings are expected through vacancy management in accordance with the Council's financial management strategy. The vacancy management savings target for the planning services for 2023/24 is £128,415 and a further £35,850 for Building Control and Land Charges.

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. The income target for 2023/24 is £1.59m. Fee income for the year is on target although this is highly dependent on the number of planning applications received in the rest 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 the submission of Regulation 19 draft plan following the consultation on the draft Preferred Options (Consultation Draft) last year. Counsel's advice and consultancy support has been procured for specialist areas.

Public inquiries incur significant additional expenditure on legal fees and in some cases, consultant witnesses have been used to assist where necessary. The inquiries referred to above also incur barrister's fees 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. No suitable applicants came forward and the post remains vacant. A second Principal Planning officer post became vacant due to the promotion of the previous postholder and despite being advertised also remains vacant. Two agency planners have been appointed to provide cover. A third Principal Planner in the same team started maternity leave in November and has since resigned. Further cover arrangements are being considered. A part time Senior Planning Officer is on maternity leave since April and temporary maternity cover started from 5th June.

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The Applications and Consents Service Manager retired at the beginning of August. A replacement has been appointed but will not join the team until the end of November. In the meantime, the team management roles are being split between other managers. A Senior Planning Officer is leaving the team at the end of November to work for another council elsewhere, A replacement officer is in the process of being recruited.

In the Planning Policy team, a part time planning officer post is currently vacant following the retirement of the postholder in February. Roles and responsibilities within the team have been revised in the meantime. Following a review of CIL/S106 process and capacity, an additional part time CIL administrative role has been appointed (funded from CIL receipts) to assist with the management of the process and provide additional support to the existing Development Contributions Officer.

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. A consultation on national fee level increases has been carried out by the Department for Levelling Up, Housing and Communities (DLUHC) and the proposed Regulations have been laid before Parliament prior to coming into effect. The consultation also proposed an increase in the number and type of performance measures for Local Planning Authorities. It will be important to consider how any additional income can be used to improve the opportunities for resourcing the service and achieve any new performance indicators.

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.

In April the Council was successful in bidding for funding from the Department for Levelling Up Homes and Communities (DLUHC) Digital Planning Software Improvement Fund. This funding enables the council to join the DLUHC digital planning project to adopt and co-design digital planning application and assessment services with other pioneering LPAs. A project team has been set up and is currently developing an initiative to enable self-service for the planning application validation process.

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.

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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