

# North Somerset Council

## REPORT TO THE PLANNING & REGULATORY COMMITTEE

**DATE OF MEETING: 13 JULY 2016**

**SUBJECT OF REPORT: 4TH QUARTER DEVELOPMENT MANAGEMENT 2015/16**

**TOWN OR PARISH: ALL**

**OFFICER PRESENTING: HEAD OF DEVELOPMENT MANAGEMENT**

**KEY DECISION: NO**

### RECOMMENDATIONS:

That the report be **NOTED**.

#### 1. SUMMARY OF REPORT

The service continues to monitor its performance which as set out in the report has been maintained in a range of key areas although it temporarily dropped in others due to some operational issues.

#### 2. POLICY

The service has a commitment to report the planning application and enforcement performance to the Planning and Regulatory Committee on a quarterly basis.

For 2015/16, the Service Strategy focuses on a wider range of performance indicators including a focus on key development sites. These are set out in table 1 below and performance against these indicators is addressed in following report where the information is available

**Table 1 Performance indicators**

<b>Indicator</b>	<b>Target</b>
% of all planning applications determined within target	80%
% of our applicants who return feedback who are satisfied with the service received	90%
% of enforcement cases brought to point of resolution* within 8 weeks	75%
% of appeals allowed	<30%
% of all planning applications for employment use (B1, B2, B8) approved	>80%
% of major applications submitted following pre-application advice	>90%

The priority areas of focus which have been identified in the Director's Annual Statement and Service Strategy are:

- J21 Enterprise Area delivery
- Superfast Broadband
- Maximising Hinkley opportunities
- Business support and growth
- Weston town centre regeneration
- Delivering strategic growth through the Core Strategy and Joint Spatial Plan (JSP)
- Putting local planning documents (including Neighbourhood Plans) in place
- Securing good infrastructure through CIL and other mechanisms

Key sites identified include:

- J21 Enterprise Area
- Enterprise House
- Food and Drink Innovation Centre
- Creative Hub
- Law and Professional Service Academy
- Dolphin Square
- Walliscote Place

Progress on these priorities is monitored through the Driving Growth Board (formerly the Employment and Economic Development Board) and Directorate monitoring reports

### 3. DETAILS

#### 2015/16 4th Quarter (Jan-Mar) Planning Performance

The report sets out our performance during the final quarter against the various indicators. It also sets out in more detail performance on appeals and enforcement. A summary is given of other issues affecting the service.

The performance for the final quarter of 2015/16 is set out in table 2 below. Performance for the comparable quarter of the previous financial year (2014/15) is shown in column two for comparison.

Performance Indicator	Q4 14/15	Q3 15/16	Q4 15/16	Total 15/16	Target 15/16
% Of all applications determined < 8 Weeks	84.38%	88.8%	93.21%	<b>87.4%</b>	80%
% Of major applications determined in <13 Weeks	81.25%	60%	70%	<b>72.09%</b>	70%
% Of minor applications determined in <8 Weeks	76.32%	87.4%	91.26%	<b>80.85%</b>	75%
% Of other applications determined in <8 Weeks	88.15%	90.3%	94.9%	<b>90.22%</b>	86%
% Of all appeals that were allowed against a planning refusal	40%	27.27%	33.33%	<b>31.11%</b>	<30%
% Of enforcement notices quashed on appeal	0%	0%	0%	<b>0%</b>	90%

<b>Performance Indicator</b>	<b>Q4 14/15</b>	<b>Q3 15/16</b>	<b>Q4 15/16</b>	<b>Total 15/16</b>	<b>Target 15/16</b>
% Of applications that are delegated to officers	96.39%	98.14%	97.89%	<b>97.50%</b>	90%
Registration of Minor /Other planning applications within 5 working days of receipt	50.48%	78.93%	62.87%	<b>59.74%</b>	80%
Registration of Major applications within 10 working days of receipt	61.54%	84.62%	75%	<b>81.03%</b>	90%
% of all planning applications for employment use (B1, B2 & B8) approved	100%	100%	100%	<b>97.06%</b>	80%

Good performance levels were maintained during the final quarter of the year. The time taken to determine major planning application improved over the quarter despite the volume of major housing applications which have been submitted in response to the Council's housing supply position. The time taken to register remains an issue which is being closely monitored.

### Appeals

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>Q3 Performance (Planning Appeals)</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Total 15/16</b>
Appeals received	6	14	15	11	46
Appeals decided	9	10	11	13	43
Appeals dismissed	5	8	8	9	30
% of appeals dismissed from appeals decided (target >70% dismissed)	56%	80%	73%	69%	70%
% of appeals allowed in cases where Committee refused permission contrary to officer recommendation to approve	11%	10%	33%	0%	12%

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 09/10</b>	<b>Total 10/11</b>	<b>Total 11/ 12</b>	<b>Total 12/13</b>	<b>Total 13/14</b>	<b>Total 14/15</b>	<b>Q4 Total</b>	<b>Total 15/16</b>
Public Inquiries	3	2	5	1	0	3	1	2
Hearings	3	5	1	0	6	6	0	1

<b>Appeal Types Received (Planning Appeals)</b>	<b>Total 09/10</b>	<b>Total 10/11</b>	<b>Total 11/12</b>	<b>Total 12/13</b>	<b>Total 13/14</b>	<b>Total 14/15</b>	<b>Q4 Total</b>	<b>Total 15/16</b>
Written Representations	60	90	34	27	56	31	10	43
<b>Totals</b>	<b>66</b>	<b>97</b>	<b>40</b>	<b>28</b>	<b>62</b>	<b>40</b>	<b>11</b>	<b>46</b>

It should be noted that the number of public inquiries and hearings will increase in 2016/17 due to the pressures to release housing sites. This will have resource implications and impact on other work areas.

### Appeal Costs

Previously restricted to Public Inquiries and Hearings only, costs can now be claimed in Written Representation appeals and this has resulted in a marked increase in claims and awards.

**Table 5 Appeal Cost Awards**

<b>Appeal Cost Awards</b>	<b>Q4 (Jan-Mar)</b>	<b>Total for 2015/16 (£)</b>
Awarded to the appellant	0	0
Awarded to the council	0	1500

### Workloads

Apart from the speed of processing planning applications and defending appeals, there are also a number of other areas in which the volume of workload is measured. The headline figures covering these areas of work are set in table 6 and show a significant increase in planning applications, appeals and enforcement workload received compared to 2014/15.

**Table 6 - Workloads**

<b>Performance Target</b>	<b>Q3 14/15</b>	<b>Q3 15/16</b>	<b>Q4 15/16</b>	<b>Year 15/16</b>	<b>Total 14/15</b>
No. of applications received	542	424	589	2059	<b>1981</b>
No. of planning and enforcement appeals received	17	16	14	56	<b>40</b>
Reported alleged breaches of planning control (Enforcement)	124	129	132	583	<b>566</b>

### **Delivery and Enforcement Performance**

Table 7 below indicates the performance against targets in terms of responding to alleged breaches of control. The council's Local Enforcement Plan agreed by the Committee in July 2012, determines the priority accorded to each case.

Bi-monthly 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 workloads and is carrying a vacant post as a result of vacancy management arrangements. This means that the team has to prioritise work tightly and some cases are taking longer to resolve than would normally be the case.

**Table 7 Enforcement Performance**

Performance Indicator	Q3 14/15	Q3 15/16	Q4 15/16	Total 15/16	Target 15/16
Cases brought to point of resolution* within 8 weeks	48.91%	91.47%	73.61%	67.48%	80%
High Priority Same day site visit	100%	0%	100%	100%	80%
Medium Priority Site visit within 5 working days	0%	80%	50%	77.78%	70%
Low Priority Site visit within 15 working days	54.24%	74.36%	69.57%	71.60%	65%

\*"Resolution" means that the initial phase of investigation is complete either because no breach of planning control has occurred; or the problem has been overcome by negotiation; or a planning application has been invited; or no action is warranted; or a decision has been taken to instigate formal enforcement action.

Table 8 sets out the number of notices served. It shows that the team served more Enforcement Notices in the last year than either of the two previous years.

**Table 8**

Notices Served	Q4 14/15	Q3 15/16	Q4 15/16	Total 15/16	Total Notices 14/15	Total Notices issued 13/14	Total Notices issued 12/13	Total Notices Issued 11/12
*PCN's and 330 Notices	28	12	16	52	91	56	77	106
**BCN's	2	0	0	0	0	2	5	9
Enforcement Notices	5	6	2	14	9	12	31	54
Stop Notices	0	0	0	0	0	1	0	0
Temporary Stop Notices	0	0	0	0	0	1	0	0
Injunctions	0	1	0	1	0	0	0	0
***Section 215 Notices	0	0	0	0	7	1	3	3

\* Planning Contravention Notice

\*\* Breach of Condition Notice

\*\*\* Notices that deal specifically with the visual amenity of land/buildings.

Table 9 sets out the outcomes of prosecution action instigated against those who do not comply with formal enforcement action.

**Table 9 – Prosecutions**

<b>Performance Target</b>	<b>2009/ 2010</b>	<b>2010/ 2011</b>	<b>2011/ 2012</b>	<b>2012/ 2013</b>	<b>2013/ 2014</b>	<b>2014/ 2015</b>	<b>Total 2015/ 16</b>
Number of prosecution actions instigated*	6	2	8	3	1	7	<b>3</b>
% Of successful prosecutions	100%	100%	100%	100%	100%	100%	100%
% Of unsuccessful prosecutions	0%	0%	0%	0%	0%	0%	0
Total amount of fines accrued by all prosecutions**	£11,910	£2,500	£1450	£250	£0	£9323	£10,220
Cases in the Court system which have not been heard***	6	1	1	2	3	3	<b>1</b>

\*The numbers of prosecutions are calculated by site, multiple defendants on the same site are therefore recorded as 1 prosecution.

\*\*This does not include any costs awarded to the Council, which have been applied for through the Court to reimburse the Council for its expenditure incurred from the time an offence has been committed.

\*\*\*These are cases that are waiting for hearings and court dates.

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.

### Complaints

The service receives frequent complaints/objections disagreeing with the decisions made on specific applications. Each complaint is investigated and responded to. Complaints are also received regarding process issues. During the quarter 4 formal complaints were upheld regarding process matters. Table 10 below shows those complaints that were considered by the investigating officer to be justified and summaries the response given.

**Table 10 Complaints**

<b>Subject of complaint</b>	<b>Response given</b>
Unable to search for address online	Acknowledged that there is a problem. Apology given.
Neighbour comments appearing on the website on a 2012 application	Neighbour comment has now been made sensitive.
No reply to contact form or email sent	Officer spoken to and reminded of the procedure
Delay in processing pre-application advice request	Apologised and as an isolated incident no further action taken

Complainants are referred to the Local Government Ombudsman for independent investigation where necessary. During the final quarter no complaints were received via this route.

### Planning Policy & Research

Planning policy has continued at a pace over the quarter. Key work areas include preparing for the Core Strategy examination of remitted policies and responding to housing applications; progressing the consultation on the draft Site Allocations Plan; developing the West of England Joint Spatial Plan issues and options response; progressing the Sites and Policies Plan (Part 1) towards adoption; drafting a Town Centre SPD; securing adoption of the Development Contributions Supplementary Planning Document and assisting Parish Councils with Neighbourhood Plans.

### Building Control

Workloads continued to be high and work has continued to identify potential efficiency improvements. Some delays with registration of applications have been experienced which are currently being resolved. The service has to compete for business with private sector approved inspectors and is currently having to work hard to retain market share. Actions put in place, included a successful multi-disciplinary “showcase” event (branded “The Extension Convention”) in November, the publication of a regular newsletter and a marketing strategy.

### Staffing

The Group has completed the 4 year corporate budget reduction strategy which required it to reduce its net budget by £604,000 (40%) over the period from 2011 to 2015. The final round of saving has been made and the 40% target reduction achieved. This is in addition to an annual vacancy management savings. A result of this budget reduction exercise was that 7 fte posts had to be cut from the planning teams, the reduction being largely achieved through natural wastage. Further budget reductions have been modelled as part of the Council’s financial planning for the next 3 year period.

As part of the Council’s Transformation Programme, a number of support functions, and the staff who carry them out, transferred to Agilisys early in the year. The principal functions from the Development Management involved in this are planning and building control application registration, ICT systems supervision and customer services.

Two further posts transferred from the Planning Policy and Research team to the Corporate Services Directorate in September as part of the Business Intelligence review.

During the quarter, maternity cover has been secured for a Principal Planner and the Council’s Archaeologist retired. The post is in the process of being filled. A temporary position, funded by a dedicated Government grant, to assist with the preparation of Local Development Orders for the Food Enterprise Zone and Town Centre is currently vacant. A vacancy in the Building Control team has been successfully filled.

## **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**

Budget savings are being made primarily through vacancy management in accordance with the Council's financial management strategy. Income is generated through planning application fees and pre-application and permitted development advice. Plan making costs are significant with the Council responsible for the costs of the examination process for statutory planning documents. Appeal costs can be awarded against the council as a result of unjustifiable refusal of planning applications. These costs are unbudgeted and can result in an overspend.

## **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**

Relevant Business Plans

Statistical returns.

Customer complaints

Group Budgets