

North Somerset Council

REPORT TO THE PLANNING & REGULATORY COMMITTEE

DATE OF MEETING: 8 MARCH 2017

SUBJECT OF REPORT: 3RD QUARTER DEVELOPMENT MANAGEMENT 2016/17

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 2016/17, the Service Strategy focuses on a wider range of performance indicators including a focus on key regeneration 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

Indicator	Target
% 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%

Indicator	Target
% 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

2016/17 3rd Quarter (Oct - Dec) 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 first quarter of 2016/17 is set out in table 2 below. Performance for the comparable quarter of the previous financial year (2015/16) is shown in column two for comparison.

Performance Indicator	Q4 15/16	Q2 16/17	Q3 16/17	Total 16/17	Target 16/17
% Of all applications determined < 8 Weeks	93.21%	84.2%	91.2%	89.16%	80%
% Of major applications determined in <13 Weeks	70%	61.5%	83.3%	76.47%	70%
% Of minor applications determined in <8 Weeks	91.26%	78.8%	88.5%	86.08%	75%
% Of other applications determined in <8 Weeks	94.9%	82.2%	92.4%	89.01%	86%
% Of all appeals that were allowed against a planning refusal	33.33%	40%	66.67%	46.43%	<30%
% Of enforcement notices quashed on appeal	0%	0%	0%	0%	90%
% Of applications that are delegated to officers	97.89%	96.62%	95.91%	96.70%	90%
Registration of Minor /Other planning applications within 5 working days of receipt	62.87%	59.85%	75.23%	63.45%	80%
Registration of Major applications within 10 working days of receipt	75%	80%	100%	92%	90%
% of all planning applications for employment use (B1, B2 & B8) approved	100%	78.57%	100%	89.19%	80%
% of major applications submitted following pre-application advice	50%	66.67%	50%	60.00%	90%

Good performance levels were maintained during the third quarter of the year. Despite the volume of major housing applications and appeals which have been submitted in response to the Council's housing supply position, performance has been maintained by agreeing extensions of determination times with applicants. The time taken to register applications has improved but remains an issue which is being closely monitored.

The volume of work continues to be significant and this is stretching resources significantly.

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

Q3 Performance (Planning Appeals)	Q1	Q2	Q3	Total 16/17
Appeals received	8	13	13	34
Appeals decided	13	5	12	28
Appeals dismissed	10	3	4	15
% of appeals dismissed from appeals decided (target >70% dismissed)	77%	60%	33%	54%
% of appeals allowed in cases where Committee refused permission contrary to officer recommendation to approve	0%	0%	17%	7%

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 10/11	Total 11/ 12	Total 12/13	Total 13/14	Total 14/15	Total 15/16	Q3 Total	Total 16/17
Public Inquiries	2	5	1	0	3	2	4	6
Hearings	5	1	0	6	6	1	2	2
Written Representations	90	34	27	56	31	43	20	28
Totals	97	40	28	62	40	46	26	36

It should be noted that the number of public inquiries is higher in 2016/17 due to the pressures to release housing sites. This is putting significant pressure on staff and financial resources and is impacting 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

Appeal Cost Awards	Q3 (Oct - Dec)	Total for 2016/17 (£)
Awarded to the appellant	0*	187
Awarded to the council	0	0

* One award pending

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

Performance Target	Q4 15/16	Q2 16/17	Q3 16/17	Year 16/17
No. of applications received	589	503	531	558
No. of planning and enforcement appeals received	14	20	15	45
Reported alleged breaches of planning control (Enforcement)	129	145	141	455

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. The plan is currently being reviewed to provide updated guidance on managing workloads and agreeing prioritisation of cases.

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 volumes of cases and is carrying a vacant post as a result of vacancy management arrangements. Another member of staff left in October with his replacement joining the Council at the end of January. This means that 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	Q4 15/16	Q2 16/17	Q3 16/17	Total 16/17	Target** 16/17
Cases brought to point of resolution* within 8 weeks	73.61%	83.5%	83.15%	86.5%	75%
High Priority Same day site visit	100%	0%	100%	100%	75%

Performance Indicator	Q4 15/16	Q2 16/17	Q3 16/17	Total 16/17	Target** 16/17
Medium Priority Site visit within 5 working days	50%	66%	50%	45%	65%
Low Priority Site visit within 15 working days	69.57%	73.25%	78.56%	79.25%	60%

**"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.

** Targets revised to reflect reduced team capacity

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

Table 8

Notices Served	Q4 15/16	Q3 16/17	Total 16/17	Total 15/16	Total 15/16	Total Notices 14/15	Total Notices issued 13/14
*PCN's and 330 Notices	16	8	45	13	52	91	56
**BCN's	0	0	1	1	0	0	2
Enforcement Notices	2	5	5	22	14	9	12
Stop Notices	0	0	0	0	0	0	1
Temporary Stop Notices	0	0	0	0	0	0	1
Injunctions	0	0	0	0	1	0	0
***Section 215 Notices	0	1	1	1	0	7	1

* 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

Performance Target	2012/2013	2013/2014	2014/2015	2015/2016	2016/17 to date
Number of prosecution actions instigated*	3	1	7	3	3
% Of successful prosecutions	100%	100%	100%	100%	100%
% Of unsuccessful prosecutions	0%	0%	0%	0	0%
Total amount of fines accrued by all prosecutions**	£250	£0	£9323	£10,220	0
Cases in the Court system which have not been heard***	2	3	3	1	1

*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

Subject of complaint	Response given
Lack of communication from the case officer	Case officer reminded that they should respond in a timely manner and keep to any commitments
Failure to notify of correct date	Team who manage this part of the system reminded of procedure

Administration of planning application	Addressed with the case officer responsible.
Failure to contact applicant	Building control officer advised and procedures update.

Complainants are referred to the Local Government Ombudsman for independent investigation where necessary. During the final quarter one complaint was received via this route regarding inadequate pre-application advice failing to identify that a site fell within a flood risk area.

Planning Policy & Research

Planning policy has continued at a pace over the quarter. Key work areas include the adoption of the Core Strategy; completing the consultation on the draft Site Allocations Plan and finalising the submission draft for submission to the Planning Inspectorate; carrying out consultation on the emerging Spatial Strategy for West of England Joint Spatial Plan; finalising the drafting of the Town Centre SPD; assisting Parish Councils with Neighbourhood Plans and preparing for the CIL examination in March.

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.

Staffing

The group is currently carrying one vacancy in Planning Enforcement. A further Planning Officer is leaving the Council at the end of February for a position elsewhere. 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.

Two members of staff are currently on maternity leave with one of the positions backfilled by a temporary planning officer.

Following the retirement of the previous post holder, a new Archaeologist took up the post in October. A vacancy in the Building Control team has been successfully filled.

Future Service issues

A project to replace the back office ICT system (M3) with a new system (Uniform) is currently well advanced with a planned go live date in the early summer. This will require a period of transition as work is moved from one system to the other and whilst it is intended to keep service disruption to a minimum performance levels may be impacted whilst the new system is

embedded. The service is also planning to introduce paperless working which will lead to new ways of working as it is introduced in due course.

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. Further savings are being made through training and supplies budgets. 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. The current round of public inquiries are incurring significant additional expenditure on legal and consultancy advice. A review of the officer delegation arrangements is currently taking place with a view to making recommendations to the Committee about potential improvements and efficiencies which could be made.

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