

## Bath & North East Somerset Council

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|--|---|--------------------|
| MEETING:                                   | Development Control Committee                 |                    |
| MEETING DATE:                              | 21 November 2012                              | AGENDA ITEM NUMBER |
| TITLE:                                     | Quarterly Performance Report July - Sept 2012 |                    |
| WARD:                                      | ALL   |                    |
| <b>AN OPEN PUBLIC ITEM</b>                 |   |                    |
| <b>List of attachments to this report:</b> |   |                    |
| None                                       |   |                    |

### 1 THE ISSUE

- 1.1 At the request of Members and as part of our on-going commitment to making service improvements, this report provides Members with performance information across a range of activities within the Development Management function. This report covers the period from 1 July – 30 Sept 2012.

### 2 RECOMMENDATION

- 2.1 Members are asked to note the contents of the performance report.

### 3 THE REPORT

#### 3.1 Commentary

Members' attention is drawn to the fact that as shown in **Table 1** below, performance on 'Major' and 'Minor' planning applications was above government target during July – Sept 2012. 'Other' planning applications were below target during this 3 month period.

Performance on determining 'Major' applications within 13 weeks rose from 47% to 64% during July – Sept 2012. Percentage performance on determining 'Minor' applications within 8 weeks climbed from 66% to 72%. Performance on 'Other' applications within the same target time of 8 weeks dropped, from 74% to 71%. It is worth noting that the 2011/12 performance on planning application determination peaked and troughed but overall showed an improvement on previous performance at the end of that financial year.

**Table 1 - Comparison of applications determined within target times**

| <b>Government target for National Indicator 157</b>                   | <b>B&amp;NES Oct - Dec 2011</b> | <b>B&amp;NES Jan - Mar 2012</b> | <b>B&amp;NES Apr - Jun 2012</b> | <b>B&amp;NES Jul - Sep 2012</b> |
|---|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| 'Major' applications<br>60%   | 9/13<br>(69%)                   | 11/18<br>(61%)                  | 7/15<br>(47%)                   | 9/14<br>(64%)                   |
| 'Minor' applications<br>65%   | 98/152<br>(64%)                 | 86/111<br>(77%)                 | 99/149<br>(66%)                 | 112/156<br>(72%)                |
| 'Other' applications<br>80%   | 258/333<br>(77%)                | 256/314<br>(82%)                | 291/391<br>(74%)                | 260/368<br>(71%)                |
| Number of on hand 'Major' applications (as report was being prepared) | 45                              | 40                              | 48                              | 55                              |

Note: An explanation of 'Major', 'Minor' and 'Other' categories are set out below.

**'LARGE-SCALE MAJOR' DEVELOPMENTS – Decisions to be made within 13 weeks**

- Residential – 200 or more dwellings or site area of 4Ha or more
- Other Land Uses – Floor space of more than 10,000 sq. metres or site area of more than 2Ha
- Changes of Use (including change of use or subdivision to form residential units) – criteria as above apply

**'SMALL-SCALE MAJOR' DEVELOPMENTS – Decisions to be made within 13 weeks**

- Residential – 10-199 dwellings or site area of 0.5Ha and less than 4Ha
- Other Land Uses – Floor space 1,000 sq. metres and 9,999 sq. metres or site area of 1Ha and less than 2Ha
- Changes of Use (including change of use or subdivision to form residential units) – criteria as above apply

**'MINOR' DEVELOPMENTS – Decisions to be made within 8 weeks**

- Residential – Up to 9 dwellings or site up to 0.5 Ha
- Other Land Uses – Floor space less than 1000 sq. metres or site less than 1 Ha

**'OTHER' DEVELOPMENTS – Decisions to be made within 8 weeks**

- Mineral handling applications (not County Matter applications)
- Changes of Use – All non-Major Changes of Use

- Householder Application (i.e. within the curtilage of an existing dwelling)
- Advertisement Consent
- Listed Building Consent
- Conservation Area Consent
- Certificate of Lawfulness
- Notifications

**Table 2 - Recent planning application performance statistics**

| Application nos. | 2011/12 |      |      |      | 2012/13 |      |    |    |
|------------------|---------|------|------|------|---------|------|----|----|
|                  | Q1      | Q2   | Q3   | Q4   | Q1      | Q2   | Q3 | Q4 |
| On hand at start | 496     | 550  | 505  | 462  | 538     | 514  |    |    |
| Received         | 601     | 605  | 496  | 578  | 594     | 608  |    |    |
| Withdrawn        | 57      | 68   | 40   | 58   | 61      | 49   |    |    |
| Determined       | 489     | 579  | 498  | 443  | 555     | 538  |    |    |
| On hand at end   | 551     | 508  | 461  | 539  | 516     | 535  |    |    |
| Delegated        | 477     | 564  | 492  | 433  | 537     | 516  |    |    |
| % Delegated      | 97.5    | 97.4 | 98.4 | 97.7 | 96.7    | 95.9 |    |    |
| Refused          | 63      | 93   | 73   | 69   | 90      | 96   |    |    |
| % Refused        | 12.8    | 16.0 | 14.6 | 15.5 | 16.2    | 17.8 |    |    |

**Table 2** above shows numbers and percentages of applications received, determined, together with details of delegated levels and refusal rates.

Due to seasonal variation, quarterly figures in this report are compared with the corresponding quarter in the previous year. During the last three months, the number of new applications received and made valid rose 0.5% when compared with the corresponding quarter last year. This figure is however 3% down on the same period two years ago, and 2% down on three years ago.

The current delegation rate is 96% of all decisions being made at officer level against cases referred for committee decision. The last published England average was 92% (April - June 2012).

**Table 3 - Planning Appeals summary**

|                   | Oct – Dec<br>2011 | Jan – Mar<br>2012 | Apr – Jun<br>2012 | Jul – Sep<br>2012 |
|-------------------|-------------------|-------------------|-------------------|-------------------|
| Appeals lodged    | 24                | 29                | 24                | 28                |
| Appeals decided   | 18                | 32                | 15                | 21                |
| Appeals allowed   | 4 (31%)           | 5 (17%)           | 6 (50%)           | 3 (15%)           |
| Appeals dismissed | 9 (69%)           | 24 (83%)          | 6 (50%)           | 17 (85%)          |

The figures set out in **Table 3** above indicate the number of appeals lodged for the July - Sept 2012 quarter has risen slightly when compared with the previous quarter. Overall, total numbers received against the same four quarters a year ago has seen a rise in planning

application appeals of 18%. Although the number has risen, a quick look at 12 planning appeal decisions received in July '12 revealed 12 planning appeals dismissals.

Members will be aware that the England average for appeals won by appellants (and therefore allowed) is approximately 35%. Because of the relatively small numbers of appeals involved figures will fluctuate slightly each quarter, but the general trend over the last 12 months for Bath & North East Somerset Council is that of the total number of planning appeals decided approximately 24% are allowed against refusals of planning applications, which demonstrates good performance by the authority.

**Table 4 - Enforcement Investigations summary**

|                                       | Oct – Dec<br>2011 | Jan – Mar<br>2012 | Apr – Jun<br>2012 | Jul – Sep<br>2012 |
|---------------------------------------|-------------------|-------------------|-------------------|-------------------|
| Investigations launched               | 142               | 159               | 157               | 244               |
| Investigations on hand                | 255               | 276               | 169               | 222               |
| Investigations closed                 | 143               | 146               | 133               | 318               |
| Enforcement Notices issued            | 1                 | 2                 | 1                 | 5                 |
| Planning Contravention Notices served | 4                 | 5                 | 3                 | 2                 |
| Breach of Condition Notices served    | 0                 | 0                 | 0                 | 0                 |

The figures shown in **Table 4** indicate a 55% rise in the number of investigations received this quarter, when compared with the previous quarter. Resources continue to be focused on the enforcement of planning control with 7 legal notices having been served during this quarter. In order to strengthen the enforcement team function, two posts were filled back in the summer and as such a Principal Enforcement Officer and an Implementation Manager have been in place for the last 3 months. The recruitment of these positions will assist in providing an efficient and effective enforcement function which can focus more clearly on communication with customers and Members.

**Tables 5 - Transactions with Customers**

The planning service regularly monitors the number and nature of transactions between the Council and its planning customers. This is extremely valuable in providing management information relating to the volume and extent of communications from customers.

It remains a huge challenge to ensure that officers are able to maintain improvements to the speed and quality of determination of planning applications whilst responding to correspondence and increasing numbers of emails the service receives.

**Table 5 - Number of monitored emails**

|                     | Jan – Mar 2012 | Apr – Jun 2012 | Jul – Sep 2012 |
|---------------------|----------------|----------------|----------------|
| Number of emails to | 1576           | 1473           | 1646           |

|   |      |      |      |
|---|------|------|------|
| 'Development Control'   |      |      |      |
| Number of emails to 'Planning Support'                                | 1678 | 1696 | 1999 |
| Number of emails to Team Administration within Development Management | 3603 | 4555 | 4403 |

The volume of incoming e-mail is now substantial, and is far exceeding the volume of incoming paper-based correspondence. These figures are exclusive of emails that individual officers receive, but all require action just in the same way as hard copy documentation. The overall figure for the July - Sept 2012 quarter shows yet another increase in volume of electronic communications when compared to the previous quarter, and decrease for traditional postal methods, highlighting the continuing shift in modes of communication with the service over the last few years.

### **Table 6 – Other areas of work**

The service not only deals with formal planning applications and general enquiries, but also has formal procedures in place to deal with matters such as pre-application proposals, Householder Development Planning Questionnaires and procedures for discharging conditions on planning permissions. **Table 6** below shows the numbers of these types of procedures that require resource to action and determine.

During the last quarter there has been a 13% rise in the overall volume of these procedures received in the service.

| <b>Table 6</b>   | <b>Jan – Mar 2012</b> | <b>Apr – Jun 2012</b> | <b>Jul – Sep 2012</b> |
|--|-----------------------|-----------------------|-----------------------|
| Number of Household Development Planning Questionnaires                              | 170                   | 122                   | 157                   |
| Number of pre-application proposals submitted  | 195                   | 159                   | 186                   |
| Number of 'Discharge of Condition' requests  | 124                   | 163                   | 161                   |
| Number of pre-application proposals submitted through the 'Development Team' process | 3                     | 5                     | 5                     |

|  |    |    |    |
|--|----|----|----|
| Applications for Non-material amendments | 24 | 31 | 33 |
|--|----|----|----|

**Table 7 – Works to Trees**

Another function that the Planning Service undertakes involves dealing with applications and notifications for works relating to trees. **Table 7** below shows the number and percentage of these applications and notifications determined. The figures show fluctuations in the numbers of applications and notifications received. However, during July - Sept 2012, performance on determining applications for works to trees subject to Tree Preservation Orders and performance on dealing with notifications for works to trees within a Conservation Area remained above 95%.

| <b>Table 7</b>   | <b>Jan – Mar 2012</b> | <b>Apr – Jun 2012</b> | <b>Jul – Sep 2012</b> |
|--|-----------------------|-----------------------|-----------------------|
| Number of applications for works to trees subject to a Tree Preservation Order (TPO)                     | 22                    | 18                    | 18                    |
| Percentage of applications for works to trees subject to a TPO determined within 8 weeks                 | 100%                  | 89%                   | 100%                  |
| Number of notifications for works to trees within a Conservation Area (CA)                               | 151                   | 135                   | 176                   |
| Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks | 97%                   | 94%                   | 97%                   |

**Table 8 - Customer transactions using Council Connect**

As outlined in previous performance reports, Members will be aware that since 2006, 'Council Connect' has been taking development management related 'Frequently Asked Questions' (FAQs).

**Table 8** below shows a breakdown of volumes of customer phone calls to the Council Connect contact centre for the previous three quarters:

| <b>Table 8</b>    | <b>Jan – Mar 2012</b> | <b>Apr – Jun 2012</b> | <b>Jul – Sep 2012</b> |
|-------------------|-----------------------|-----------------------|-----------------------|
| Planning          | 123                   | 110                   | 346                   |
| Planning Overflow | 41                    | 73                    | 83                    |

|  |      |      |      |
|--|------|------|------|
| Planning Existing Application          | 1187 | 911  | 1032 |
| Planning Existing Application Overflow | 325  | 532  | 545  |
| Planning New Issues                    | 942  | 734  | 738  |
| Planning New Issues Overflow           | 287  | 392  | 446  |
| <b>Total number of calls</b>           | 2905 | 2752 | 3190 |

**Table 8** shows that Council Connect has consistently received approx. 3000 calls for each quarter so far this year, with very little variation. The various titles in the right hand column represent the name of the call questions the callers come through on, 'Overflow' being simply where all officers in the contact centre have been on the phone when that customer called, meaning they have been moved into a 'question' to represent this.

#### **Table 9 - Electronic transactions**

The Planning Services web pages continue to be amongst the most popular across the whole Council website, particularly 'View and Comment on Planning Applications' and 'Apply for Planning Permission'. The former is the most popular web page after the council's home page.

Over 80% of all applications are now submitted online through the Planning Portal link on the Council website, and **Table 9** below shows that the authority received **489 (82%)** Portal applications during the July - Sept 2012 quarter, compared with **75%** during the previous quarter. As a reminder, overall for 2010/11 online applications received stood at 54%, for 2011/12 they reached 68%. Our online submission percentage is above the national average which currently stands at around 60%. This provides good evidence of a growing online self-service by the public.

In November, the Planning Portal are planning to host the second of a series of free training events to encourage the remaining paper submitting agents to apply online through the portal. This also ties in with wider strategic aims to encourage greater take up of electronic self-servicing.

**Table 9** - Percentage of planning applications submitted electronically (through the national Planning Portal)

|   | <b>Government target</b> | <b>Oct – Dec 2011</b> | <b>Jan – Mar 2012</b> | <b>Apr – Jun 2012</b> | <b>Jul – Sep 2012</b> |
|---|--------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Percentage of applications submitted online | 10%                      | 79%                   | 70%                   | 75%                   | 82%                   |

### **Table 10 - Scanning and Indexing**

As part of the move towards achieving e-government objectives and the cultural shift towards electronic working, the service also scans and indexes all documentation relating to planning and associated applications. Whilst this work is a 'back office' function it is useful to see the volume of work involved. During the July - Sept 2012 quarter, the service scanned over 11,000 planning documents and this demonstrates that whilst the cost of printing plans may be reduced for applicants and agents, the service needs to resource scanning and indexing documentation to make them accessible for public viewing through the Council's website. The trend for scanning actual planning applications is dropping in number as the public increases use of uploading and submitting their applications electronically through the Planning Portal (see Table 9 above). However, all documents submitted electronically still need to be manually inserted in the Document Management System by the Planning support staff. It is not possible at present to also detail the numbers of these 'insertions' in the table below.

### **Table 10**

|                                | <b>Oct – Dec<br/>2011</b> | <b>Jan – Mar<br/>2012</b> | <b>Apr – Jun<br/>2012</b> | <b>Jul – Sep<br/>2012</b> |
|--------------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| Total number of images scanned | 14,167                    | 14,752                    | 14,383                    | 11,332                    |
| Total number of images indexed | 4,934                     | 6,152                     | 5,712                     | 4,525                     |

### **Table 11 - Customer Complaints**

During the quarter July - Sept 2012, the Council has received the following complaints in relation to the planning service. The previous quarter figures are shown for comparison purposes. Further work is currently underway to analyse the nature of complaints received and to implement service delivery improvements where appropriate.

### **Table 11**

| <b>Customer Complaints</b> | <b>Jan – Mar 2012</b> | <b>Apr – Jun 2012</b> | <b>Jul – Sep 2012</b> |
|----------------------------|-----------------------|-----------------------|-----------------------|
| Complaints brought forward | 5                     | 5                     | 2                     |
| Complaints received        | 24                    | 19                    | 18                    |
| Complaint upheld           | 3                     | 1                     | 3                     |
| Complaint Not upheld       | 18                    | 18                    | 10                    |
| Complaint Partly upheld    | 2                     | 3                     | 2                     |
| Complaints carried forward | 6                     | 1                     | 5                     |

### **Table 12 - Ombudsman Complaints**

The council has a corporate complaints system in place to investigate matters that customers are not happy or satisfied about in relation to the level of service that they have received from the council. However, there are circumstances where the matter has been subject to investigation by officers within the authority and the customer remains dissatisfied with the outcome of the investigation. When this happens, the customer can take their complaint to the **Local Government Ombudsman** for him to take an independent view. **Table 12** below shows a breakdown of Ombudsman complaints lodged with the Local Government Ombudsman for the previous four quarters.

**Table 12**

| <b>Ombudsman Complaints</b>       | <b>Oct – Dec 11</b> | <b>Jan – Mar 12</b> | <b>Apr – Jun 12</b> | <b>Jul – Sep 12</b> |
|-----------------------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Complaints brought forward</b> | 0                   | 5                   | 7                   | 3                   |
| <b>Complaints received</b>        | 6                   | 7                   | 2                   | 2                   |
| <b>Complaints upheld</b>          | 0                   | 0                   | 0                   | 0                   |
| <i>Local Settlement</i>           |                     |                     |                     |                     |
| <i>Maladministration</i>          |                     |                     |                     |                     |
| <i>Premature complaint</i>        |                     |                     |                     |                     |
| <b>Complaints Not upheld</b>      |                     | 5                   | 6                   | 5                   |
| <i>Local Settlement</i>           |                     | 1                   | 1                   | 1                   |
| <i>No Maladministration</i>       |                     |                     |                     |                     |
| <i>Ombudsman's Discretion</i>     |                     | 4                   | 5                   | 2                   |
| <i>Outside Jurisdiction</i>       |                     |                     |                     | 1                   |
| <i>Premature complaint</i>        | 1                   |                     |                     | 1                   |
| <b>Complaints carried forward</b> | 5                   | 7                   | 3                   | 0                   |

### **Table 13 – Section 106 Agreements**

Members will be aware of the Planning Obligations SPD published July 2009. Planning Services have spent the last year and a half compiling a database of Section 106 Agreements. This is still a work in progress, but it has now enabled the newly appointed S106 Monitoring Officer to actively progress in monitoring delivery of agreed obligations. **Table 13** below shows a breakdown of S106 Agreement sums agreed and sums received between July - Sept 2012. Also detailed is the outstanding balance for agreements signed between July 2009 and Sept 2012. Members should be aware that the figures are approximates because of the further work still to be completed in the S106 monitoring operation.

**Table 13**

| <b>Section 106 Agreements</b>                        | <b>Apr – Jun 2012</b> | <b>Jul – Sep 2012</b> |  |  |
|--|-----------------------|-----------------------|--|--|
| <b>Funds agreed</b>                                  | £2,260,850.48         | £182,468.99           |  |  |
| <b>Funds received</b>                                | £33,500.98            | £56,086.17            |  |  |
| <b>Outstanding funds balance (Jul '09 – Sep '12)</b> | £13,556,478.54        | £13,259,687.19        |  |  |

|  |   |
|--|---|
| <b>Contact person</b>  | John Theobald, Data Technician, Planning and Transport Development<br>01225 477519  |
| <b>Background papers</b>   | CLG General Development Control statistical returns PS1 and PS2 +<br>Planning applications statistics on the DCLG website:<br><a href="http://www.communities.gov.uk/planningandbuilding/planningbuilding/planningstatistics/statisticsplanning/">http://www.communities.gov.uk/planningandbuilding/planningbuilding/planningstatistics/statisticsplanning/</a> |
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