

## Bath & North East Somerset Council

MEETING:	Development Control Committee	
MEETING DATE:	13 February 2012	AGENDA ITEM NUMBER
TITLE:	Quarterly Performance Report Oct - Dec 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 Oct – 31 Dec 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 'Other' planning applications was below government target during Oct – Dec 2012. 'Minor' planning applications were above target during this 3 month period.

Performance on determining 'Major' applications within 13 weeks fell from 64% to 56% during Oct – Dec 2012. The fall can be mainly attributed to delays caused by the need to complete Section 106 Agreements. Officers are working with legal colleagues with a view to making this process more efficient. Through the West of England Planning Toolkit we are also working with developers to agree more heads of terms at pre-application stage. Percentage performance on determining 'Minor' applications within 8 weeks changed little from 72% to 71%. Performance on 'Other' applications within the same target time of 8 weeks rose from 71% to 73%. 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 particular financial year.

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

<b>Government target for National Indicator 157</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>	<b>B&amp;NES Oct - Dec 2012</b>
'Major' applications 60%	11/18 (61%)	7/15 (47%)	9/14 (64%)	15/27 (56%)
'Minor' applications 65%	86/111 (77%)	99/149 (66%)	112/156 (72%)	99/139 (71%)
'Other' applications 80%	256/314 (82%)	291/391 (74%)	260/368 (71%)	293/399 (73%)
Number of on hand 'Major' applications (as report was being prepared)	40	48	55	48

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

<p><b>'LARGE-SCALE MAJOR' DEVELOPMENTS – <u>Decisions to be made within 13 weeks</u></b></p> <ul style="list-style-type: none"> <li>Residential – 200 or more dwellings or site area of 4Ha or more</li> <li>Other Land Uses – Floor space of more than 10,000 sq. metres or site area of more than 2Ha</li> <li>Changes of Use (including change of use or subdivision to form residential units) – criteria as above apply</li> </ul>
<p><b>'SMALL-SCALE MAJOR' DEVELOPMENTS – <u>Decisions to be made within 13 weeks</u></b></p> <ul style="list-style-type: none"> <li>Residential – 10-199 dwellings or site area of 0.5Ha and less than 4Ha</li> <li>Other Land Uses – Floor space 1,000 sq. metres and 9,999 sq. metres or site area of 1Ha and less than 2Ha</li> <li>Changes of Use (including change of use or subdivision to form residential units) – criteria as above apply</li> </ul>
<p><b>'MINOR' DEVELOPMENTS – <u>Decisions to be made within 8 weeks</u></b></p> <ul style="list-style-type: none"> <li>Residential – Up to 9 dwellings or site up to 0.5 Ha</li> </ul>

- 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	535	
Received	601	605	496	578	594	608	556	
Withdrawn	57	68	40	58	61	49	56	
Determined	489	579	498	443	555	538	565	
On hand at end	551	508	461	539	516	535	470	
Delegated	477	564	492	433	537	516	545	
% Delegated	97.5	97.4	98.4	97.7	96.7	95.9	96.4	
Refused	63	93	73	69	90	96	67	
% Refused	12.8	16.0	14.6	15.5	16.2	17.8	11.8	

**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 12% when compared with the corresponding quarter last year. This figure is also 11% up on the same period two years ago, and 6% up 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**

	Jan – Mar 2012	Apr – Jun 2012	Jul – Sep 2012	Oct – Dec 2012
Appeals lodged	29	24	28	34
Appeals decided	32	15	21	30
Appeals allowed	5 (17%)	6 (50%)	3 (15%)	13 (46%)
Appeals dismissed	24 (83%)	6 (50%)	17 (85%)	15 (54%)

The figures set out in **Table 3** above indicate the number of appeals lodged for the Oct - Dec 2012 quarter has risen 21% 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 22%.

Members will be aware that the England average for appeals won by appellants (and therefore allowed) is approximately 35% (2011/12). 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 30% are allowed against refusals of planning applications, which demonstrates good performance by the authority.

**Table 4 - Enforcement Investigations summary**

	<b>Jan – Mar 2012</b>	<b>Apr – Jun 2012</b>	<b>Jul – Sep 2012</b>	<b>Oct – Dec 2012</b>
Investigations launched	159	157	244	140
Investigations on hand	276	169	222	230
Investigations closed	146	133	318	133
Enforcement Notices issued	2	1	5	3
Planning Contravention Notices served	5	3	2	3
Breach of Condition Notices served	0	0	0	0

The figures shown in **Table 4** indicate a 43% drop 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 6 legal notices having been served during this quarter. In order to strengthen the enforcement team function, two posts were filled in 2012 and as such a Principal Enforcement Officer and an Implementation Manager have been in place for the last 6 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**

	<b>Apr – Jun 2012</b>	<b>Jul – Sep 2012</b>	<b>Oct – Dec 2012</b>
Number of emails to 'Development Control'	1473	1646	1305
Number of emails to 'Planning Support'	1696	1999	1964
Number of emails to Team Administration within Development Management	4555	4403	4647

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 Oct - Dec 2012 quarter shows a high volume of electronic communications matching the previous quarter. It is worth noting that comments received on applications within the statutory 21 day consultation period are subject to some 'redacting' being applied before making them accessible for public viewing through the Council's website as part of the application process. This task alone is high volume and currently labour intensive.

**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 12% drop in the overall volume of these procedures received in the service. However, pre-application submissions remained the same.

<b>Table 6</b>	<b>Apr – Jun 2012</b>	<b>Jul – Sep 2012</b>	<b>Oct – Dec 2012</b>
Number of Household Development Planning Questionnaires	122	157	127
Number of pre-application proposals submitted	159	186	186
Number of 'Discharge of Condition' requests	163	161	135

Number of pre-application proposals submitted through the 'Development Team' process	5	5	6
Applications for Non-material amendments	31	33	25

### **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 particularly an increase in notifications received (up 9%). However, during Oct - Dec 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 90%.

<b>Table 7</b>	<b>Apr – Jun 2012</b>	<b>Jul – Sep 2012</b>	<b>Oct – Dec 2012</b>
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	18	18	18
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	89%	100%	94%
Number of notifications for works to trees within a Conservation Area (CA)	135	176	191
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	94%	97%	100%

### **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>Apr – Jun 2012</b>	<b>Jul – Sep 2012</b>	<b>Oct – Dec 2012</b>
Planning	110	346	130

Planning Overflow	73	83	75
Planning Existing Application	911	1032	860
Planning Existing Application Overflow	532	545	432
Planning New Issues	734	738	631
Planning New Issues Overflow	392	446	342
<b>Total number of calls</b>	2752	3190	2470

**Table 8** shows that Council Connect has consistently received approx. 2800 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.

Around 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 **469 (77%)** Portal applications during the Oct - Dec 2012 quarter, compared with **82%** 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%, and appears to be generally increasing. This provides good evidence of a growing online self-service by the public.

In November, the Planning Portal hosted 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>Jan – Mar 2012</b>	<b>Apr – Jun 2012</b>	<b>Jul – Sep 2012</b>	<b>Oct – Dec 2012</b>
Percentage of applications submitted online	10%	70%	75%	82%	77%

### **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 Oct - Dec 2012 quarter, the service scanned over 13,000 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>Jan – Mar 2012</b>	<b>Apr – Jun 2012</b>	<b>Jul – Sep 2012</b>	<b>Oct – Dec 2012</b>
Total number of images scanned	14,752	14,383	11,332	13,168
Total number of images indexed	6,152	5,712	4,525	4,450

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

During the quarter Oct - Dec 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>Apr – Jun 2012</b>	<b>Jul – Sep 2012</b>	<b>Oct – Dec 2012</b>
Complaints brought forward	5	2	5
Complaints received	19	18	19
Complaint upheld	1	3	8
Complaint Not upheld	18	10	11
Complaint Partly upheld	3	2	0

Complaints carried forward	1	5	7
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### **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>Jan – Mar 12</b>	<b>Apr – Jun 12</b>	<b>Jul – Sep 12</b>	<b>Oct – Dec 12</b>
<b>Complaints brought forward</b>	5	7	3	0
<b>Complaints received</b>	7	2	2	1
<b>Complaints upheld</b>	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	
<b>Complaints carried forward</b>	7	3	0	1

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

Members will be aware of the Planning Obligations SPD published July 2009. Planning Services have spent the last two years 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 Oct - Dec

2012. Also detailed is the outstanding balance for agreements signed between July 2009 and Dec 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>Oct – Dec 2012</b>	
<b>Funds agreed</b>	£2,260,850.48	£182,468.99	£828,093.41	
<b>Funds received</b>	£33,500.98	£56,086.17	£1,000	
<b>Outstanding funds balance (Jul '09 – Sep '12)</b>	£13,556,478.54	£13,259,687.19	£14,102,777.15	

**Table 14 – Costs Awarded monitoring**

Detailed below is a list of recent costs against the council in relation to Planning Appeals and court cases.

**Table 14**

<b>Ref no. and Site Address</b>	<b>Background</b>	<b>Cost Awarded</b>	<b>Reason Awarded</b>
<b>12/00032/RF Land Rear Of Holly Farm Brookside Drive Farmborough</b>	Planning officer recommended permit, but were 'overturned' and refused at committee. Later Allowed by the Inspectorate 03/10/2012.	£32,000 estimated	Costs of Appeal proceedings awarded ("By the end of the Hearing I remained unclear as to why the Council did not accept the advice of its officers or how it came to the conclusions that it did.")

<b>Contact person</b>	John Theobald, Data Technician, Planning and Transport Development 01225 477519
<b>Background papers</b>	CLG General Development Control statistical returns PS1 and PS2 + Planning applications statistics on the DCLG website: <a href="https://www.gov.uk/government/organisations/departments-for-communities-and-local-government/series/planning-applications-statistics">https://www.gov.uk/government/organisations/departments-for-communities-and-local-government/series/planning-applications-statistics</a>

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