

Bath & North East Somerset Council

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| MEETING: | Development Control Committee | |
| MEETING DATE: | 4 July 2012 | AGENDA ITEM NUMBER |
| TITLE: | Quarterly Performance Report Jan – Mar 2012 | |
| WARD: | ALL | |
| AN OPEN PUBLIC ITEM | | |
| List of attachments to this report: | | |
| 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 Jan – 31 Mar 2012. ***Please note - comparative planning application statistical data with neighbouring authorities is no longer published quarterly by the Department for Communities and Local Government and thus has been removed from this report.***

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' was above government target during Jan – Mar 2012, still an improvement on the Jul –Sept quarter. 'Minor' and 'Other' were also comfortably above target during this period.

Performance on determining 'Major' applications within 13 weeks fell slightly from 69% to 61% during Jan – Mar 2012. Performance on determining 'Minor' applications within 8 weeks rose from 64% to 77%. Performance on 'Other' applications within the same

target time of 8 weeks also improved, from 77% to 82%. Overall, 2011/12 performance on planning application determination has improved on the 2010/11 % – Majors: 48% to 65%, Minors: 64% to 71%, Others: 74% to 79%.

Table 1 - Comparison of applications determined within target times

| Government target for National Indicator 157 | B&NES Apr - Jun 2011 | B&NES Jul - Sept 2011 | B&NES Oct - Dec 2011 | B&NES Jan - Mar 2012 |
|---|---------------------------------|----------------------------------|---------------------------------|---------------------------------|
| 'Major' applications 60% | 11/12 (92%) | 4/11 (36%) | 9/13 (69%) | 11/18 61% |
| 'Minor' applications 65% | 88/122 (72%) | 116/159 (73%) | 98/152 (64%) | 86/111 77% |
| 'Other' applications 80% | 268/355 (75%) | 334/409 (82%) | 258/333 (77%) | 256/314 82% |
| Number of on hand 'Major' applications (as report was being prepared) | | | 45 | 40 |

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. | 2010/11 | | | | 2011/12 | | | |
|------------------|---------|------|------|------|---------|------|------|------|
| | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 |
| On hand at start | 576 | 544 | 562 | 478 | 496 | 550 | 505 | 462 |
| Received | 601 | 629 | 499 | 577 | 601 | 605 | 496 | 578 |
| Withdrawn | 59 | 56 | 36 | 43 | 57 | 68 | 40 | 58 |
| Determined | 575 | 555 | 547 | 516 | 489 | 579 | 498 | 443 |
| On hand at end | 542 | 562 | 478 | 496 | 551 | 508 | 461 | 539 |
| Delegated | 557 | 528 | 520 | 502 | 477 | 564 | 492 | 433 |
| % Delegated | 96.8 | 95.1 | 95.0 | 97.2 | 97.5 | 97.4 | 98.4 | 97.7 |
| Refused | 99 | 81 | 99 | 71 | 63 | 93 | 73 | 69 |
| % Refused | 17.2 | 14.5 | 18.0 | 13.7 | 12.8 | 16.0 | 14.6 | 15.5 |

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 has risen by 0.1% when compared with the corresponding quarter last year. This figure is 2% down on the same period two years ago, and 14% up on three years ago. Over the whole 11/12 financial year, planning application activity appears to be similar to that of 09/10, but down on 10/11, and still much down on pre-recession 07/08.

The current delegation rate is 98% of all decisions being made at officer level against cases referred for committee decision. The last published England average was 90% (year ending Dec 2011).

Table 3 - Planning Appeals summary

| | Apr – Jun 2011 | Jul – Sept 2011 | Oct – Dec 2011 | Jan – Mar 2012 |
|-----------------|-------------------|--------------------|-------------------|-------------------|
| Appeals lodged | 16 | 29 | 24 | 29 |
| Appeals decided | 22 | 26 | 18 | 32 |

| | | | | |
|-------------------|----------|----------|---------|----------|
| Appeals allowed | 2 (13%) | 6 (35%) | 4 (31%) | 5 (17%) |
| Appeals dismissed | 14 (87%) | 11 (65%) | 9 (69%) | 24 (83%) |

The figures set out in **Table 3** above indicate the number of appeals lodged for the Jan – Mar 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 17%, and a fall of 3% compared to two years ago.

Members will be aware that the England average for appeals won by appellants (and therefore allowed) is approximately 32%. 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 23% are allowed against refusals of planning applications, which demonstrates good performance by the authority.

Table 4 - Enforcement Investigations summary

| | Apr – Jun 2011 | Jul – Sept 2011 | Oct – Dec 2011 | Jan – Mar 2012 |
|---------------------------------------|-------------------|--------------------|-------------------|-------------------|
| Investigations launched | 160 | 131 | 142 | 159 |
| Investigations on hand | | | 255 | 276 |
| Investigations closed | 175 | 141 | 143 | 146 |
| Enforcement Notices issued | 0 | 1 | 1 | 2 |
| Planning Contravention Notices served | 4 | 0 | 4 | 5 |
| Breach of Condition Notices served | 0 | 0 | 0 | 0 |

The figures shown in **Table 4** indicate that more investigations were received this quarter, when compared with the previous 2 quarterly figures. However, the 2011/12 total of 595 cases received is 12% down on the 10/11 total of 675. 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 recently advertised. We are seeking to provide some high level professional expertise and as such a Principal Enforcement Officer and an Implementation Manager post were both filled end of May. 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 and 6 - 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 - Letters

| | Jul – Sept 2011 | Oct – Dec 2011 | Jan – Mar 2012 |
|---|-----------------|----------------|----------------|
| Number of general planning enquiry letters received | 126 | 51 | 64 |

Table 6 - Number of monitored emails

| | Jul – Sept 2011 | Oct – Dec 2011 | Jan – Mar 2012 |
|---|-----------------|----------------|----------------|
| Number of emails to 'Development Control' | 1566 | 1402 | 1576 |
| Number of emails to 'Planning Support' | 1384 | 1732 | 1678 |
| Number of emails to Team Administration within Development Management | 3169 | 3310 | 3603 |

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 Jan – Mar 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 7 – 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 7** below shows the numbers of these types of procedures that require resource to action and determine.

During the last quarter there has been a 26% rise in the overall volume of these procedures received in the service.

Table 7

| | Jul – Sept 2011 | Oct – Dec 2011 | Jan – Mar 2012 |
|--|-----------------|----------------|----------------|
| Number of Household Development Planning Questionnaires | 147 | 134 | 170 |
| Number of pre-application proposals submitted | 158 | 154 | 195 |
| Number of 'Discharge of Condition' requests | 125 | 106 | 124 |
| Number of pre-application proposals submitted through the 'Development Team' process | 1 | 2 | 3 |
| Applications for Non-material amendments | 28 | 12 | 24 |

Table 8 – Works to Trees

Another function that the Planning Service undertakes involves dealing with applications and notifications for works relating to trees. **Table 8** 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 Jan – Mar 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%.

| Table 8 | Jul – Sept 2011 | Oct – Dec 2011 | Jan – Mar 2012 |
|--|-----------------|----------------|----------------|
| Number of applications for works to trees subject to a Tree Preservation Order (TPO) | 18 | 20 | 22 |
| Percentage of applications for works to trees subject to a TPO determined within 8 weeks | 100% | 100% | 100% |
| Number of notifications for works to trees within a | 169 | 181 | 151 |

| | | | |
|--|-----|-----|-----|
| Conservation Area (CA) | | | |
| Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks | 97% | 88% | 97% |

Table 9 - 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 9 below shows an extract of volumes of customer transactions for the previous three quarters:

| | Jul – Sept 2011 | Oct – Dec 2011 | Jan – Mar 2012 |
|---|--------------------|-------------------|-------------------|
| Total customer transactions to Council Connect | 998 | 1273 | 1305 |
| Total customer transactions (and percentage) resolved at First Point of Contact | 696 (70%) | 1027 (80%) | 1070 (82%) |
| Number of Service Requests to Development Management | 302 | 246 | 235 |

235 'Service Requests' were made by customer service staff to Planning Information Officers and these types of requests usually relate to more complex matters, which need research in order to provide the customer with complete information. The transactions shown in the table above show a sizable volume of requests to resolve complex planning issues and Council Connect taking development management related FAQs.

Table 10 - Electronic transactions

The Planning Services web pages continue to be amongst the most popular across the whole Council website, particularly 'View planning applications online' and 'Apply for planning permission'. Last winter we replaced our Public Access website that was for viewing planning applications online with a more advanced version of application searching and viewing web facility. Searching by address in particular is much more efficient. Publicity activities surrounding this improved self-service facility included a news item in the winter issue of Connect magazine that was distributed to over 76,000 households throughout the area.

Over 65% of all applications are now submitted online through the Planning Portal link on the Council website, and **Table 10** below shows that the authority received **398 (70%)** Portal applications during the Jan – Mar 2012 quarter, compared with **79%** during the previous quarter. Overall, for 2010/11 online applications received stood at 54%, for 2011/12 they now

reach 68%. All previous quarterly figures far exceed the current national target of 10%. This provides good evidence of online self-service by the public.

Table 10 - Percentage of planning applications submitted electronically (through the national Planning Portal)

| | Government target | Apr – Jun 2011 | Jul – Sept 2011 | Oct – Dec 2011 | Jan – Mar 2012 |
|---|--------------------------|-----------------------|------------------------|-----------------------|-----------------------|
| Percentage of applications submitted online | 10% | 61% | 63% | 79% | 70% |

Table 11 - 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 Jan – Mar 2012 quarter, the service scanned nearly 15,000 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.

Table 11

| | Apr – Jun 2011 | Jul – Sep 2011 | Oct – Dec 2011 | Jan – Mar 2012 |
|--------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Total number of images scanned | 19,616 | 18,085 | 14,167 | 14,752 |
| Total number of images indexed | 6,963 | 6,415 | 4,934 | 6,152 |

Table 12 - Customer Complaints

During the quarter Jan – Mar 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 12

| Customer Complaints | Jul – Sept 11 | Oct – Dec 11 | Jan – Mar 2012 |
|----------------------------|----------------------|---------------------|-----------------------|
| Complaints brought forward | 4 | 2 | 5 |
| Complaints received | 21 | 28 | 24 |

| | | | |
|----------------------------|----|----|----|
| Complaint upheld | 2 | 2 | 3 |
| Complaint Not upheld | 20 | 17 | 18 |
| Complaint Partly upheld | 1 | 3 | 2 |
| Complaints carried forward | 2 | 5 | 6 |

Table 13 - 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 13** below shows a breakdown of Ombudsman complaints lodged with the Local Government Ombudsman for the previous four quarters.

Table 13

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

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| Background papers | CLG General Development Control statistical returns PS1 and PS2 |
| Please contact the report author if you need to access this report in an alternative format | |