

Bath & North East Somerset Council

MEETING:	Development Control Committee	
MEETING DATE:	29 August 2012	AGENDA ITEM NUMBER
TITLE:	Quarterly Performance Report April – June 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 April – 30 June 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 'Minor' was above government target during Apr – Jun 2012. 'Major' and 'Other' were below target during this 3 month period.

Performance on determining 'Major' applications within 13 weeks fell from 61% to 47% during Apr – Jun 2012. Performance on determining 'Minor' applications within 8 weeks dropped from 77% to 66%. Performance on 'Other' applications within the same target time of 8 weeks also dropped, from 82% to 74%. 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

Government target for National Indicator 157	B&NES Jul - Sept 2011	B&NES Oct - Dec 2011	B&NES Jan - Mar 2012	B&NES Apr - Jun 2012
'Major' applications 60%	4/11 (36%)	9/13 (69%)	11/18 (61%)	7/15 (47%)
'Minor' applications 65%	116/159 (73%)	98/152 (64%)	86/111 (77%)	99/149 (66%)
'Other' applications 80%	334/409 (82%)	258/333 (77%)	256/314 (82%)	291/391 (74%)
Number of on hand 'Major' applications (as report was being prepared)		45	40	48

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			
Received	601	605	496	578	594			
Withdrawn	57	68	40	58	61			
Determined	489	579	498	443	555			
On hand at end	551	508	461	539	516			
Delegated	477	564	492	433	537			
% Delegated	97.5	97.4	98.4	97.7	96.7			
Refused	63	93	73	69	90			
% Refused	12.8	16.0	14.6	15.5	16.2			

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 fell 1% when compared with the corresponding quarter last year. This figure is also 1% down on the same period two years ago, but 12% up on three years ago. As a reminder - 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 down on pre-recession 07/08.

The current delegation rate is 97% of all decisions being made at officer level against cases referred for committee decision. The last published England average was 90% (year ending Mar 2012).

Table 3 - Planning Appeals summary

	Jul – Sept 2011	Oct – Dec 2011	Jan – Mar 2012	Apr – Jun 2012
Appeals lodged	29	24	29	24
Appeals decided	26	18	32	15
Appeals allowed	6 (35%)	4 (31%)	5 (17%)	6 (50%)
Appeals dismissed	11 (65%)	9 (69%)	24 (83%)	6 (50%)

The figures set out in **Table 3** above indicate the number of appeals lodged for the Apr - Jun 2012 quarter has fallen 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 33%. Although the number has risen, a quick look at the latest 12 planning appeal decisions received in July 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 30% are allowed against refusals of planning applications, which demonstrates good performance by the authority.

Table 4 - Enforcement Investigations summary

	Jul – Sept 2011	Oct – Dec 2011	Jan – Mar 2012	Apr – Jun 2012
Investigations launched	131	142	159	157
Investigations on hand		255	276	169
Investigations closed	141	143	146	133
Enforcement Notices issued	1	1	2	1
Planning Contravention Notices served	0	4	5	3
Breach of Condition Notices served	0	0	0	0

The figures shown in **Table 4** indicate that a similar number of investigations were received this quarter, when compared with the previous quarter. As a reminder, 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 4 legal notices having been served during this quarter. In order to strengthen the enforcement team function, two posts were recently filled and as such a Principal Enforcement Officer and an Implementation Manager have arrived. 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

	Oct – Dec 2011	Jan – Mar 2012	Apr – Jun 2012
Number of general planning enquiry letters received	51	64	21

Table 6 - Number of monitored emails

	Oct – Dec 2011	Jan – Mar 2012	Apr – Jun 2012
Number of emails to 'Development Control'	1402	1576	1473
Number of emails to 'Planning Support'	1732	1678	1696
Number of emails to Team Administration within Development Management	3310	3603	4555

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 Apr - Jun 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 slight fall in the overall volume of these procedures received in the service.

Table 7

	Oct – Dec 2011	Jan – Mar 2012	Apr – Jun 2012
Number of Household Development Planning Questionnaires	134	170	122

Number of pre-application proposals submitted	154	195	159
Number of 'Discharge of Condition' requests	106	124	163
Number of pre-application proposals submitted through the 'Development Team' process	2	3	5
Applications for Non-material amendments	12	24	31

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 Apr - Jun 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%.

Table 8	Oct – Dec 2011	Jan – Mar 2012	Apr – Jun 2012
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	20	22	18
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	100%	100%	89%
Number of notifications for works to trees within a Conservation Area (CA)	181	151	135
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	88%	97%	94%

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:

	Oct – Dec 2011	Jan – Mar 2012	Apr – Jun 2012
Total customer transactions to Council Connect	1273	1305	846
Total customer transactions (and percentage) resolved at First Point of Contact	1027 (80%)	1070 (82%)	593 (70%)
Number of Service Requests to Development Management	246	235	253

253 '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 and Comment on Planning Applications' and 'Apply for Planning Permission'. The former is the most popular web page after the council home page.

Over 70% 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 **442 (75%)** Portal applications during the Apr - Jun 2012 quarter, compared with **70%** during the previous quarter. As a reminder, overall for 2010/11 online applications received stood at 54%, for 2011/12 they reached 68%. All previous quarterly figures far exceed the current national target of 10%. This provides good evidence of online self-service by the public.

In July, the Planning Portal hosted the first 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 10 - Percentage of planning applications submitted electronically (through the national Planning Portal)

	Government target	Jul – Sept 2011	Oct – Dec 2011	Jan – Mar 2012	Apr – Jun 2012
Percentage of applications submitted online	10%	63%	79%	70%	75%

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 Apr - Jun 2012 quarter, the service scanned over 14,000 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 10 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 11

	Jul – Sep 2011	Oct – Dec 2011	Jan – Mar 2012	Apr – Jun 2012
Total number of images scanned	18,085	14,167	14,752	14,383
Total number of images indexed	6,415	4,934	6,152	5,712

Table 12 - Customer Complaints

During the quarter Apr - Jun 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	Oct – Dec 11	Jan – Mar 2012	Apr – Jun 2012
Complaints brought forward	2	5	5
Complaints received	28	24	19

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

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

Table 14 – 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 14** below shows a breakdown of S106 Agreement sums agreed and sums received between Apr – Jun 2012. Also detailed is the outstanding balance for agreements signed between July 2009 and June 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 14

Section 106 Agreements	Apr – Jun 2012			
Funds agreed	£2,260,850.48			
Funds received	£33,500.98			
Outstanding funds balance (Jul '09 – Jun '12)	£13,556,478.54			

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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	