

## Bath & North East Somerset Council

MEETING:	Development Control Committee	
MEETING DATE:	20 November 2013	AGENDA ITEM NUMBER
TITLE:	Quarterly Performance Report July - Sept 2013	
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 - Sept 2013.

### 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 July - Sept 2013. 'Major' and 'Minor' planning applications were above target during this 3 month period.

Performance on determining 'Major' applications within 13 weeks rose from 32% to 77% during July - Sept 2013 as we are now proactively managing Majors through the process.

Percentage performance on determining 'Minor' applications within 8 weeks fell from 78% to 68%, but still remains above target.

Performance on 'Other' applications within the same target time of 8 weeks rose slightly from 73% to 74%, but still remains below target. After 9 months since implementation of the 'positive & proactive statement', there is now a plan to review the procedure by team leaders. Two officers per team will record the time taken to call the agent/applicant to enter into these further discussions. At the same time we are looking to reduce the number of withdrawals/free resubmissions, in line with the Customer Transformation project mentioned in previous reports, without affecting our level of customer service. In addition, we will now consider using the new agreed extension of time process where appropriate. We are reviewing the impact of the new dual application protocol and its impact on performance since adoption in April with a view to looking at the drag of listed building applications on 'Other' planning applications performance.

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

<b>Government target for National Indicator 157</b>	<b>B&amp;NES Oct – Dec 2012</b>	<b>B&amp;NES Jan – Mar 2013</b>	<b>B&amp;NES Apr - Jun 2013</b>	<b>B&amp;NES Jul - Sep 2013</b>
'Major' applications 60%	15/27 (56%)	9/21 (43%)	6/19 (32%)	10/13 (77%)
'Minor' applications 65%	99/139 (71%)	90/120 (75%)	121/156 (78%)	98/145 (68%)
'Other' applications 80%	293/399 (73%)	236/315 (75%)	286/390 (73%)	312/423 (74%)
Number of on hand 'Major' applications (as report was being prepared)	48	47	48	52

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.	2012/13				2013/14			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
On hand at start	538	514	535	469	551	575		
Received	594	608	556	607	650	600		
Withdrawn	61	49	56	67	62	58		
Determined	555	538	565	456	565	581		
On hand at end	516	535	470	553	574	536		
Delegated	537	516	545	441	538	556		
% Delegated	96.7	95.9	96.4	96.7	95.2	95.6		
Refused	90	96	67	67	71	62		
% Refused	16.2	17.8	11.8	14.6	12.5	10.6		

**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 and 5% 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 90% (Year ending June 2013).

**Table 3 - Planning Appeals summary**

	<b>Oct – Dec 2012</b>	<b>Jan – Mar 2013</b>	<b>Apr – Jun 2013</b>	<b>Jul – Sept 2013</b>
Appeals lodged	34	36	30	29
Appeals decided	30	34	25	24
Appeals allowed	13 (46%)	7 (23%)	9 (47%)	6 (33%)
Appeals dismissed	15 (54%)	23 (77%)	10 (53%)	12 (67%)

The figures set out in **Table 3** above indicate the number of appeals lodged for the Jul - Sep 2013 quarter has dropped 3% when compared with the previous quarter. Overall though, the total numbers received against the same four quarters a year ago has seen a rise in planning application appeals of 23%.

Members will be aware that the England average for appeals won by appellants (and therefore allowed) is approximately 35% (2012/13). 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 36.8% are allowed against refusals of planning applications, which demonstrates average performance by the authority.

**Table 4 - Enforcement Investigations summary**

	<b>Oct – Dec 2012</b>	<b>Jan – Mar 2013</b>	<b>Apr – Jun 2013</b>	<b>Jul – Sep 2013</b>
Investigations launched	140	153	140	182
Investigations on hand	230	216	203	241
Investigations closed	133	129	170	135
Enforcement Notices issued	3	3	4	6
Planning Contravention Notices served	3	1	1	2
Breach of Condition Notices served	0	0	0	1

The figures shown in **Table 4** indicate a 30% rise in the number of investigations received this quarter, when compared with the previous quarter. However, there was a 12% decrease in cases received overall in the last 12 months. Resources continue to be focused on the enforcement of planning control with 9 legal notices having been served during this quarter.

**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 2013	Apr – Jun 2013	Jul – Sep 2013
Number of emails to 'Development Control'	1189	1947	1589
Number of emails to Team Administration within Development Management	5221	4340	3875

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 2013 quarter shows a high volume of electronic communications in the region of 5500. 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, procedures for discharging conditions on planning permissions and the newly introduced Householder Permitted Development prior notifications. **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% fall in the overall volume of these procedures received in the service.

<b>Table 6</b>	Jan – Mar 2013	Apr – Jun 2013	Jul – Sep 2013
Number of Household Development Planning Questionnaires	118	175	115
Number of pre-application proposals submitted	204	227	198

Number of 'Discharge of Condition' requests	120	103	109
Number of pre-application proposals submitted through the 'Development Team' process	3	7	9
Applications for Non-material amendments	17	24	37
Householder Permitted Development prior notifications	0	9	9

**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. During July – Sept 2013, 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 99% or above.

<b>Table 7</b>	<b>Jan – Mar 2013</b>	<b>Apr – Jun 2013</b>	<b>Jul – Sep 2013</b>
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	22	12	11
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	95%	100%	100%
Number of notifications for works to trees within a Conservation Area (CA)	134	143	166
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	99%	98%	99%

**Table 8 - Customer transactions using telephone**

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 2013</b>	<b>Apr – Jun 2013</b>	<b>Jul – *Sept 2013</b>
Planning	93	89	65
Planning Overflow	88	109	72
Planning Existing Application	552	622	390
Planning Existing Application Overflow	498	627	414
Planning New Issues	448	387	301
Planning New Issues Overflow	393	472	307
<b>Total number of calls</b>	2072	2306	1549

**Table 8** shows that Council Connect had received approx. 1550 calls for last quarter. 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. **\*As of 2 September 2013, all Planning calls bar Planning Enforcement went back to Planning and thus future quarterly reports will reflect these new changes in the call measures.**

### **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 70 - 75% 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 **493 (72%)** Portal applications during the July - Sept 2013 quarter, compared with **69%** during the previous quarter. 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 agents and the public. The benefits for them include an online help function, immediate delivery and acknowledgement, and savings on printing and postage costs. Secure fee payments can also be made online through the Planning Portal facility.

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

	<b>Government target</b>	<b>Oct – Dec 2012</b>	<b>Jan – Mar 2013</b>	<b>Apr – Jun 2013</b>	<b>Jul – Sep 2013</b>
Percentage of applications submitted online	10%	77%	70%	69%	72%

**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 2013 quarter, the service scanned nearly 18,000 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 2012</b>	<b>Jan – Mar 2013</b>	<b>Apr – Jun 2013</b>	<b>Jul – Sep 2013</b>
Total number of images scanned	13,168	12,426	13,046	17,830
Total number of images indexed	4,450	4,670	5,484	4,788

**Table 11 - Customer Complaints**

During the quarter July - Sept 2013, 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 2013</b>	<b>Apr – Jun 2013</b>	<b>Jul – Sep 2013</b>
Complaints brought forward	3	3	3

Complaints received	14	15	9
Complaint upheld	1	0	1
Complaint Not upheld	13	6	9
Complaint Partly upheld	1	5	1
Complaints carried forward	3	4	1

### **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 12</b>	<b>Jan – Mar 13</b>	<b>Apr – Jun 13</b>	<b>Jul – Sep 13</b>
<b>Complaints brought forward</b>	0	1	1	1
<b>Complaints received</b>	1	2	0	4
<b>Complaints upheld</b>		0		
<i>Local Settlement</i>				
<i>Maladministration</i>				
<i>Premature complaint</i>				
<b>Complaints Not upheld</b>		2		2
<i>Local Settlement</i>				
<i>No Maladministration</i>				1
<i>Ombudsman's Discretion</i>		2		
<i>Outside Jurisdiction</i>				1
<i>Premature complaint</i>				

<b>Complaints carried forward</b>	1	1	1	3
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**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 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 2013. Also detailed is the outstanding balance for agreements signed between July 2009 and Sept 2013. 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>Oct – Dec 2012</b>	<b>Jan – Mar 2013</b>	<b>Apr – Jun 2013</b>	<b>Jul – Sep 2013</b>
<b>Funds agreed</b>	£828,093.41	£121,848.10	£159,693.14	£433,463.77
<b>Funds received (may include monies received for agreements made prior to Jul '09)</b>	£244,331.85	£389,984.81	£251,226.00	£34,154.93
<b>Outstanding funds balance (Jul '09 – Sep '13)</b>	£14,102,777.15	£14,112,447.17	£14,040,164.17	£13,454,038.54

**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>
09/00077/RF, Former Allotment Gardens Southbourne Gardens Fairfield Park Bath	Officer recommended to permit, Overturned at committee and refused. Allowed at Appeal.	£12,110.94 paid Sept '13	Costs of Appeal proceedings awarded ("Lack of objective reassessment and the evidence produced by the LPA is lacking in substance")
12/00015/RF, Orchard View, Sleep Lane, Whitchurch	Officer refusal, allowed at Appeal.	£32,685.00 paid Oct '13	Costs of Appeal proceedings awarded ("refusal of planning permission was not only wrong, it was misconceived")

<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/department-for-communities-and-local-government/series/planning-applications-statistics">https://www.gov.uk/government/organisations/department-for-communities-and-local-government/series/planning-applications-statistics</a>
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