

## Bath & North East Somerset Council

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|--|---|--------------------|
| MEETING:   | Development Control Committee               |                    |
| MEETING DATE:  | 12 February 2014                            | AGENDA ITEM NUMBER |
| TITLE:   | Quarterly Performance Report Oct - Dec 2013 |                    |
| WARD:  | ALL   |                    |
| <b>AN OPEN PUBLIC ITEM</b>                             |   |                    |
| <b>List of attachments to this report:</b><br><br>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 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 Oct - Dec 2013. 'Minor' planning applications were above target during this 3 month period.

Performance on determining 'Major' applications within 13 weeks fell from 77% to 52% during Oct - Dec 2013. The main reasons some of these cases went over the target date was that they were either pending S106 legal agreements or awaiting the next committee cycle for determination.

Percentage performance on determining 'Minor' applications within 8 weeks rose from 68% to 75% and still remains above target.

Performance on 'Other' applications within the same target time of 8 weeks rose from 74% to 78%, which shows an improvement. This is partly due to a steady upturn in listed building applications performance since various changes implemented as part of the customer service transformation project that commenced early 2013.

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

| Target  | B&NES<br>Jan – Mar<br>2013 | B&NES<br>Apr - Jun<br>2013 | B&NES<br>Jul - Sep<br>2013 | B&NES<br>Oct - Dec<br>2013 |
|---|----------------------------|----------------------------|----------------------------|----------------------------|
| 'Major'<br>applications<br>60%  | 9/21<br>(43%)              | 6/19<br>(32%)              | 10/13<br>(77%)             | 11/21<br>(52%)             |
| 'Minor'<br>applications<br>65%  | 90/120<br>(75%)            | 121/156<br>(78%)           | 98/145<br>(68%)            | 101/134<br>(75%)           |
| 'Other'<br>applications<br>80%  | 236/315<br>(75%)           | 286/390<br>(73%)           | 312/423<br>(74%)           | 312/399<br>(78%)           |
| Number of on<br>hand 'Major'<br>applications (as<br>report was being<br>prepared) | 47                         | 48                         | 52                         | 51                         |

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 (abolished 1 Oct 2013 and replaced with a requirement for planning permission for demolition of a building in a conservation area)
- 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  | 534  |    |
| Received   | 594     | 608  | 556  | 607  | 650     | 600  | 614  |    |
| Withdrawn  | 61      | 49   | 56   | 67   | 62      | 58   | 63   |    |
| Determined   | 555     | 538  | 565  | 456  | 565     | 581  | 554  |    |
| On hand at end                                     | 516     | 535  | 470  | 553  | 574     | 536  | 531  |    |
| Delegated  | 537     | 516  | 545  | 441  | 538     | 556  | 528  |    |
| % Delegated  | 96.7    | 95.9 | 96.4 | 96.7 | 95.2    | 95.6 | 95.3 |    |
| Refused  | 90      | 96   | 67   | 67   | 71      | 62   | 60   |    |
| % Refused  | 16.2    | 17.8 | 11.8 | 14.6 | 12.5    | 10.6 | 10.8 |    |
| Major residential decisions (10 or more dwellings) | 5       | 3    | 4    | 5    | 8       | 3    | 9    |    |
| Major residential decisions granted                | 4       | 3    | 3    | 5    | 3       | 2    | 8    |    |
| Number of dwellings applied for on Major schemes   |         |      |      |      |         |      | 617  |    |
| Number of dwellings permitted on Major schemes     |         |      |      |      |         |      | 417  |    |
| Number of dwellings refused on Major schemes       |         |      |      |      |         |      | 166  |    |

**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 10% when compared with the corresponding

quarter last year. This figure is also 24% up on the same period two years ago and 23% up on three years ago.

The current delegation rate is 95% of all decisions being made at officer level against cases referred for committee decision. The last published England average was 91% (Year ending Sept 2013). Percentage of refusals on applications remains low at approx. 11%. The last published England average was 12%.

Numbers of major residential decisions (10 or more dwellings) were significantly up when compared to the same quarter a year ago.

**Table 3 - Planning Appeals summary**

|                   | <b>Jan – Mar<br/>2013</b> | <b>Apr – Jun<br/>2013</b> | <b>Jul – Sept<br/>2013</b> | <b>Oct – Dec<br/>2013</b> |
|-------------------|---------------------------|---------------------------|----------------------------|---------------------------|
| Appeals lodged    | 36                        | 30                        | 29                         | 25                        |
| Appeals decided   | 34                        | 25                        | 24                         | 30                        |
| Appeals allowed   | 7 (23%)                   | 9 (47%)                   | 6 (33%)                    | 7 (26%)                   |
| Appeals dismissed | 23 (77%)                  | 10 (53%)                  | 12 (67%)                   | 20 (74%)                  |

The figures set out in **Table 3** above indicate the number of appeals lodged for the Oct - Dec 2013 quarter has dropped 14% 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 4%.

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 31% are allowed against refusals of planning applications, which demonstrates good performance by the authority.

**Table 4 - Enforcement Investigations summary**

|                                       | <b>Jan – Mar<br/>2013</b> | <b>Apr – Jun<br/>2013</b> | <b>Jul – Sep<br/>2013</b> | <b>Oct – Dec<br/>2013</b> |
|---------------------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| Investigations launched               | 153                       | 140                       | 182                       | 123                       |
| Investigations on hand                | 216                       | 203                       | 241                       | 227                       |
| Investigations *closed                | 129                       | 170                       | 135                       | 120                       |
| Enforcement Notices issued            | 3                         | 4                         | 6                         | 2                         |
| Planning Contravention Notices served | 1                         | 1                         | 2                         | 3                         |
| Breach of Condition Notices served    | 0                         | 0                         | 1                         | 0                         |

The figures shown in **Table 4** indicate a 32% fall in the number of investigations received this quarter, when compared with the previous quarter. There was also a 15% decrease in cases received overall in the last 12 months. \*The main reason for enforcement cases being closed was because, following investigation, they were deemed that no breach had actually occurred. 5 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**

|   | <b>Apr – Jun 2013</b> | <b>Jul – Sep 2013</b> | <b>Oct – Dec 2013</b> |
|---|-----------------------|-----------------------|-----------------------|
| Number of emails to 'Development Control'                             | 1947                  | 1589                  | 2120                  |
| Number of emails to Team Administration within Development Management | 4340                  | 3875                  | 3466                  |

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 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. However, smarter ways of working introduced in the summer has seen a decrease in internal emails being passed to Admin as Officers are now inserting their own documents into the electronic file.

### **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 10% fall in the overall volume of these procedures received in the service.

| <b>Table 6</b>   | <b>Apr – Jun 2013</b> | <b>Jul – Sep 2013</b> | <b>Oct – Dec 2013</b> |
|--|-----------------------|-----------------------|-----------------------|
| Number of Household Development Planning Questionnaires                              | 175                   | 115                   | 92                    |
| Number of pre-application proposals submitted  | 227                   | 198                   | 182                   |
| Number of 'Discharge of Condition' requests  | 103                   | 109                   | 123                   |
| Number of pre-application proposals submitted through the 'Development Team' process | 7                     | 9                     | 5                     |
| Applications for Non-material amendments   | 24                    | 37                    | 20                    |
| Householder Permitted Development prior notifications                                | 9                     | 9                     | 6                     |

### **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 Oct - Dec 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 98% or above.

| <b>Table 7</b>   | <b>Apr – Jun 2013</b> | <b>Jul – Sep 2013</b> | <b>Oct – Dec 2013</b> |
|--|-----------------------|-----------------------|-----------------------|
| Number of applications for works to trees subject to a Tree Preservation Order (TPO)     | 12                    | 11                    | 26                    |
| Percentage of applications for works to trees subject to a TPO determined within 8 weeks | 100%                  | 100%                  | 96%                   |

|  |     |     |     |
|--|-----|-----|-----|
| Number of notifications for works to trees within a Conservation Area (CA)                               | 143 | 166 | 219 |
| Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks | 98% | 99% | 98% |

**Table 8 - Customer transactions using telephone**

On 2 September 2013, all Planning calls went back to Development Management from Council Connect and thus future quarterly reports will reflect these new changes in the call measures. This should lead to better resolution for the customer as there will be a decrease in calls possibly being double handled. In **Table 8** below are detailed the number of incoming calls to the service for the Development Management function. Note: these numbers include transferred calls.

| <b>Table 8</b>                | <b>Oct – Dec 2013</b> |  |  |
|-------------------------------|-----------------------|--|--|
| Planning Information Officers | 2070                  |  |  |
| Planning Officers             | 1462                  |  |  |
| Planning Administration       | 916                   |  |  |
| Historic Environment Team     | 717                   |  |  |
| Enforcement Team              | 552                   |  |  |

**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’ (an average of 12,600 hits per month) and ‘Apply for Planning Permission’ (average of 1,000 hits per month). The former is the most popular web page after the council’s home page.

**\*\* News \*\*** At the beginning of January 2014 the Council launched its own Listed Buildings map layer, which links up with the full statutory listing description on the English Heritage website. This means that anyone can search for a property on our website and find out if it is listed or not, what type of listing it has, and then read the full listing information. This enables all customers to self-serve. It can be accessed from the listed buildings web page - see link below

<http://www.bathnes.gov.uk/services/planning-and-building-control/listed-buildings/listed-buildings-map>

Conservation Areas, HMOs, Tree Preservation Orders and Green Belt are also available to view on the My Maps facility.

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 **547 (74%)** Portal applications during the Oct - Dec 2013 quarter, compared with **72%** 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)

|   | Government target | Jan – Mar 2013 | Apr – Jun 2013 | Jul – Sep 2013 | Oct – Dec 2013 |
|---|-------------------|----------------|----------------|----------------|----------------|
| Percentage of applications submitted online | 10%               | 70%            | 69%            | 72%            | 74%            |

**Table 10 - Customer Complaints**

During the quarter Oct - Dec 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 10**

| Customer Complaints        | Apr – Jun 2013 | Jul – Sep 2013 | Oct – Dec 2013 |
|----------------------------|----------------|----------------|----------------|
| Complaints brought forward | 3              | 3              | 4              |
| Complaints received        | 15             | 9              | 11             |
| Complaint upheld           | 0              | 1              | 0              |
| Complaint Not upheld       | 6              | 9              | 10             |
| Complaint Partly upheld    | 5              | 1              | 1              |
| Complaints carried forward | 4              | 1              | 0              |



### **Table 11 - 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 11** below shows a breakdown of Ombudsman complaints lodged with the Local Government Ombudsman for the previous four quarters.

**Table 11**

| <b>Ombudsman Complaints</b>       | <b>Jan – Mar 13</b> | <b>Apr – Jun 13</b> | <b>Jul – Sep 13</b> | <b>Oct – Dec 13</b> |
|-----------------------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Complaints brought forward</b> | 1                   | 1                   | 1                   | 3                   |
| <b>Complaints received</b>        | 2                   | 0                   | 4                   | 0                   |
| <b>Complaints upheld</b>          | 0                   |                     |                     | 0                   |
| <i>Local Settlement</i>           |                     |                     |                     |                     |
| <i>Maladministration</i>          |                     |                     |                     |                     |
| <i>Premature complaint</i>        |                     |                     |                     |                     |
| <b>Complaints Not upheld</b>      | 2                   |                     | 2                   | 3                   |
| <i>Local Settlement</i>           |                     |                     |                     | 1                   |
| <i>No Maladministration</i>       |                     |                     | 1                   | 2                   |
| <i>Ombudsman's Discretion</i>     | 2                   |                     |                     |                     |
| <i>Outside Jurisdiction</i>       |                     |                     | 1                   |                     |
| <i>Premature complaint</i>        |                     |                     |                     |                     |
| <b>Complaints carried forward</b> | 1                   | 1                   | 3                   | 0                   |

### **Table 12 – 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 12** below shows a breakdown of S106 Agreement sums agreed and sums received between Oct - Dec 2013. Also detailed is the outstanding balance for agreements signed between July 2009 and Dec 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 12**

| <b>Section 106 Agreements</b>  | <b>Jan – Mar 2013</b> | <b>Apr – Jun 2013</b> | <b>Jul – Sep 2013</b> | <b>Oct – Dec 2013</b> |
|--|-----------------------|-----------------------|-----------------------|-----------------------|
| <b>Funds agreed</b>  | £121,848.10           | £159,693.14           | £433,463.77           | £564,310.33           |
| <b>Funds received (may include monies received for agreements made prior to Jul '09)</b> | £389,984.81           | £251,226.00           | £34,154.93            | £364,722.89           |
| <b>Outstanding funds balance (Jul '09 – Dec '13)</b>                                     | £14,112,447.17        | £14,040,164.17        | £13,454,038.54        | £14,081,186.82        |

**Table 13 – Costs Awarded monitoring**

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

**Table 13**

| <b>Ref no. and Site Address</b> | <b>Background</b> | <b>Cost Awarded</b> | <b>Reason Awarded</b> |
|---------------------------------|-------------------|---------------------|-----------------------|
|                                 |                   | -                   |                       |
|                                 |                   |                     |                       |

**Table 14 – Accredited Agents**

As part of our commitment to promote the submissions of high quality planning applications, Planning has been trialling an Agent Accreditation Scheme, details of which are on the web page –

<http://www.bathnes.gov.uk/services/planning-and-building-control/planning/planning-advice-and-guidance/planning-agents>

We had 40 responses on initial launch last July, and after analysing the last 3 householder submissions from the interested agents 12 qualified for agent accreditation status first time. The list of current Accredited Agents is displayed on the web page. These agents have shown they fully understand how to submit a properly prepared planning application which means they are easier for us to process and reduce the potential of any delays.

|                                     | <b>Jan – Mar 2013</b> | <b>Apr – Jun 2013</b> | <b>Jul – Sep 2013</b> | <b>Oct – Dec 2013</b> |
|-------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| <b>Numbers of Accredited Agents</b> | -                     | -                     | 12                    | 17                    |

|   |   |   |    |    |
|---|---|---|----|----|
| <b>Numbers of householder applications submitted by Accredited Agents</b> | - | - | 13 | 29 |
|---|---|---|----|----|

|  |  |
|--|--|
| <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 + Planning applications statistics on the DCLG website:<br><a href="https://www.gov.uk/government/collections/planning-applications-statistics">https://www.gov.uk/government/collections/planning-applications-statistics</a> |
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