

Bath & North East Somerset Council

MEETING: Planning Committee

MEETING DATE: 28 July 2021

TITLE: Quarterly Performance Report - April to June 2021

WARD: ALL

AN OPEN PUBLIC ITEM

List of attachments to this report:

Analysis of Chair referral cases

1 THE ISSUE

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 2021.

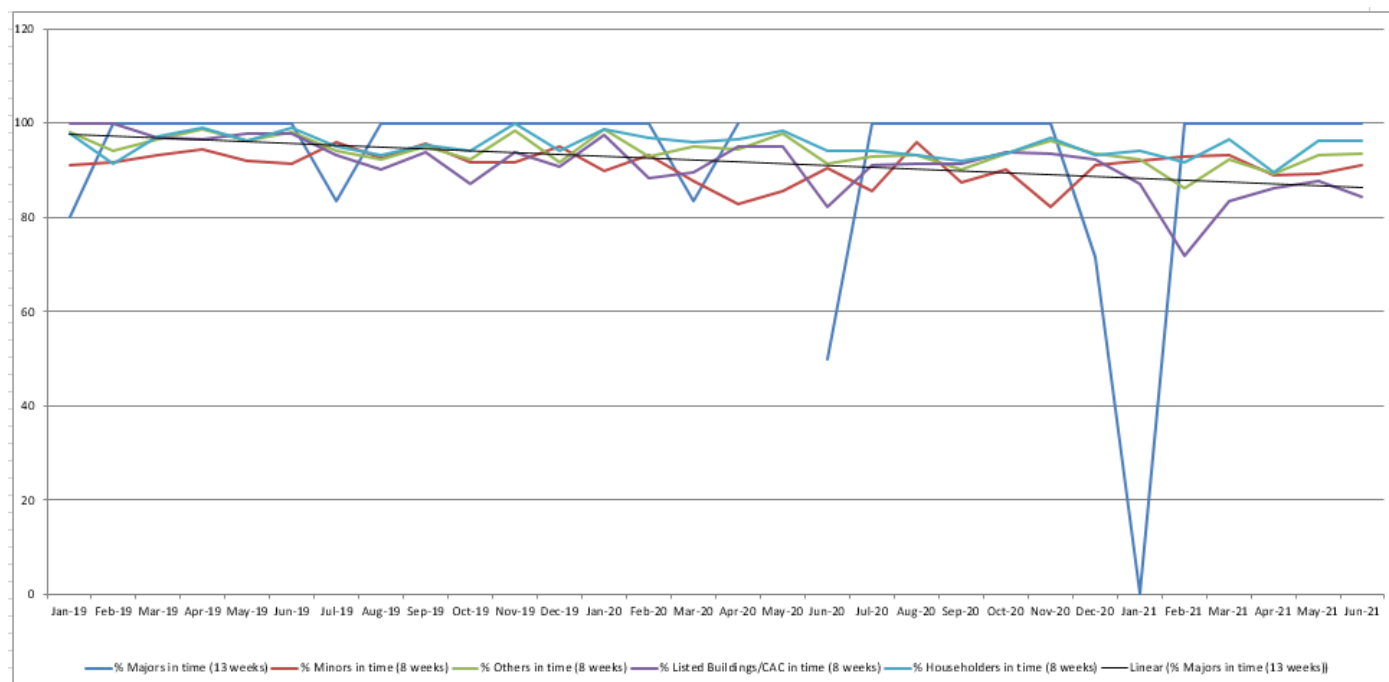
2 RECOMMENDATION

Members are asked to note the contents of the performance report.

3 THE REPORT

Tables, charts and commentary

1 - Comparison of Applications Determined Within Target Times



| % of planning applications in time | 2020/21 | | | | 2021/22 | | | |
|------------------------------------|------------------|------------------|------------------|------------------|------------------|----|----|----|
| | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 |
| % Majors in time | (3/5) 60% | (9/9) 100% | (9/11) 82% | (4/5) 80% | (10/10) 100% | | | |
| % Minors in time | (81/94) 86% | (80/90) 89% | (89/101) 88% | (129/139) 93% | (96/107) 90% | | | |
| % Others in time | (325/344) 94% | (336/365) 92% | (370/393) 94% | (401/443) 91% | (487/529) 92% | | | |

Highlights:

- All three categories have been above target consistently every quarter for over 5 years.

Note:

Major - 10+ dwellings/0.5 hectares and over, 1000+ sqm/1 hectare and over

Minor - 1-10 dwellings/less than 0.5 hectares, Up to 999 sqm/under 1 hectare

Other - changes of use, householder development, adverts, listed building consents, lawful development certificates, notifications, etc

2 - Recent Planning Application Performance

| Application nos. | 2020/21 | | | | 2021/22 | | | |
|---------------------|--------------|--------------|--------------|--------------|--------------|----|----|----|
| | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 |
| Received | 491 | 599 | 695 | 768 | 774 | | | |
| Withdrawn | 58 | 67 | 41 | 58 | 60 | | | |
| Delegated no. and % | 436 (98%) | 436 (94%) | 486 (96%) | 570 (97%) | 633 (97%) | | | |
| Refused no. and % | 39 (9%) | 34 (7%) | 50 (10%) | 30 (5%) | 39 (6%) | | | |

Highlights:

- 18% rise in planning application numbers compared to the previous 12 months – the last published national trend figure was a 2% increase (Year ending Mar 2021).

- 57% rise in planning application numbers compared to the same quarter last year.
- The current delegation rate is marginally above the last published England average of 96% (Year ending Mar 2021).
- Percentage of refusals on planning applications remains very low compared to the last published England average of 12% (Year ending Mar 2021) and we put this down to the high level of use and overall success of our Pre-application advice service which also brings income into the service.

3 – Dwelling Numbers

| Dwelling numbers | 2020/21 | | | | 2021/22 | | | |
|---|---------|-----|-----|-----|---------|----|----|----|
| | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 |
| Major residential (10 or more dwellings) decisions | 3 | 8 | 0 | 1 | 4 | | | |
| Major residential decisions granted | 1 | 5 | 0 | 1 | 3 | | | |
| Number of dwellings applied for on Major schemes | 0 | 300 | 100 | 423 | 0 | | | |
| Number of dwelling units permitted on schemes (net) | 176 | 64 | 280 | 393 | 137 | | | |

Highlights:

- There were four major residential planning decisions last quarter and three were granted

4 - Planning Appeals

| | Jul – Sep 2020 | Oct – Dec 2020 | Jan – Mar 2021 | Apr – Jun 2021 |
|-------------------|----------------|----------------|----------------|----------------|
| Appeals lodged | 11 | 19 | 29 | 20 |
| Appeals decided | 13 | 17 | 23 | 25 |
| Appeals allowed | 4 (30%) | 6 (35%) | 3 (13%) | 5 (20%) |
| Appeals dismissed | 9 (70%) | 11 (65%) | 20 (87%) | 20 (80%) |

Highlights:

- Over the last 12 months performance on Appeals Allowed (23%) is better than the national average of approx. 30%
- Planning Appeal costs awarded against council in last quarter: £3500 paid 9/6/2021 for 23 Forester Avenue, Bath
- Planning Appeal costs awarded against the council in this financial year: £3500.00

5 - Enforcement Investigations

| | Jul – Sep 2020 | Oct – Dec 2020 | Jan – Mar 2021 | Apr – Jun 2021 |
|-------------------------|----------------|----------------|----------------|----------------|
| Investigations launched | 150 | 105 | 137 | 132 |
| Investigations in hand | 258 | 252 | 300 | 289 |
| Investigations closed | 163 | 122 | 97 | 143 |
| - No breach of planning | 48 | 41 | 49 | TBC |
| - Not Expedient | 34 | 16 | 9 | TBC |

| | | | | |
|---------------------------------------|----|----|----|-----|
| - Compliance negotiated | 28 | 20 | 20 | TBC |
| - Retrospective PP Granted | 27 | 20 | 19 | TBC |
| Enforcement Notices issued | 1 | 4 | 0 | 1 |
| Planning Contravention Notices served | 2 | 2 | 4 | 7 |
| Breach of Condition Notices served | 2 | 0 | 2 | 0 |
| Stop Notices | 0 | 0 | 0 | 0 |
| Temporary Stop Notices | 0 | 0 | 0 | 0 |
| Injunctions | 0 | 0 | 0 | 0 |
| Section 16 Notices | 3 | 0 | 2 | TBC |
| Section 215 Notices | 0 | 0 | 0 | TBC |

The above breakdown of cases closed lists those cases where: on investigation it was found there was no breach of planning control; it was deemed not expedient to take the matter further (usually related to trivial or technical breaches); voluntary compliance was negotiated (i.e. resulting in a cessation of use of removal of structure); or on application, retrospective permission was granted to regularise the breach. Other cases not listed above were closed due to insufficient information, the breach being identified as permitted development, the breach being identified as lawful through passage of time or where the complaint was withdrawn.

6 – Other Work (applications handled but not included in national returns)

The service also processes other statutory applications (discharging conditions, prior approvals, prior notifications, non-material amendments etc) and discretionary services like pre-application advice. The table below shows the number of these applications received

| | Jul - Sep 2020 | Oct – Dec 2020 | Jan – Mar 2021 | Apr – Jun 2021 |
|---------------------|----------------|----------------|----------------|----------------|
| Other types of work | 336 | 347 | 445 | 438 |

7 – Works to Trees

| | Jul – Sep 2020 | Oct – Dec 2020 | Jan – Mar 2021 | Apr – Jun 2021 |
|--|----------------|----------------|----------------|----------------|
| Number of applications for works to trees subject to a Tree Preservation Order (TPO) | 24 | 42 | 21 | 28 |
| Percentage of applications for works to trees subject to a TPO determined within 8 weeks | 100% | 100% | 100% | 100% |
| Number of notifications for works to trees within a Conservation Area (CA) | 217 | 294 | 187 | 224 |
| Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks | 100% | 99% | 99% | 100% |

Highlights:

- Performance on works to trees remains excellent.

8 – Corporate Customer Feedback

The latest quarterly report is published here:

<https://beta.bathnes.gov.uk/view-complaint-reports>

9 - Ombudsman Complaints

When a customer remains dissatisfied with the outcome of the Corporate Complaints investigation, they can take their complaint to the **Local Government Ombudsman** for an independent view.

| Ombudsman Complaints | Jul – Sep 20 | Oct – Dec 20 | Jan – Mar 21 | Apr – Jun 21 |
|------------------------------|---------------------|---------------------|---------------------|---------------------|
| Complaints upheld | 0 | 0 | 0 | 1 |
| Complaints Not upheld | 0 | 0 | 0 | 0 |

Highlights:

There was one upheld complaint over the last year.

10 – Latest News – Policy

A series of key projects are being progressed which will update the Council's planning policy framework. This will help ensure planning policy is even better aligned with the Council's priorities and, in particular ensure planning is better able to help address the climate and ecological emergency declarations. The key elements of the policy framework that are being updated are outlined in the table below and subject to the Council or Single Member Decision identified in the table public consultation will take place from August to October in order to give people a bigger say in developing policy.

| Planning Policy Document | Council/Single Member Decision date |
|---|--|
| Local Plan Partial Update (addressing urgent issues including the climate and ecological emergencies and replenishing housing supply) | Council – 22 nd July |
| Houses in Multiple Occupation Supplementary Planning Document (SPD) Review | Single Member Decision – on or after 24 th July |
| Energy Efficiency Retrofitting and Sustainable Construction SPD | Single Member Decision – on or after 24 th July |
| Transport and Development SPD | Single Member Decision – on or after 31 st July |

11 – Section 106 Agreements and Community Infrastructure Levy (CIL)

Members will be aware of the Planning Obligations SPD first published in 2009. Planning Services have spent the last few years compiling a database of Section 106 Agreements. This is still in

progress but does enable the S106/CIL Monitoring Officer to actively monitor the delivery of agreed obligations. S106 and CIL financial overview sums below will be refreshed for every quarterly report. CIL annual reports, Infrastructure Funding Statement and Infrastructure Delivery Plan 2020 are also published on our website: <https://beta.bathnes.gov.uk/policy-and-documents-library/annual-cil-spending-reports>

(Note: figures are for guidance only and could be subject to change due to further updates with regards to monitoring S106 funds)

| | |
|--|-----------------------|
| S106 Funds received (2021/22) | £729,666.26 |
| CIL sums overview - Potential (April 2015 to date) | £11,949,723.13 |
| CIL sums overview - Collected (April 2015 to date) | £18,347,593.86 |

12 – Chair Referrals

Table 12 below shows the numbers of planning applications where Chair decision has been sought to either decide the application under delegated authority or refer to Planning Committee. ***A further analysis of Chair referral cases is attached as an Appendix item to this report.***

| | Jul – Sep 2020 | Oct – Dec 2020 | Jan – Mar 2021 | Apr – Jun 2021 |
|--------------------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| Chair referral delegated | 17 | 28 | 23 | 21 |
| Chair referral to Planning Committee | 15 | 12 | 8 | 8 |

13 – 5 Year Housing Land Supply

5 year housing land supply

| | | | | |
|---|--------------------------------------|--|-------|--------------------------------|
| | Standard methodology | | | |
| A | Calculation based on standard method | | | |
| B | 5 year supply requirement (648x5) | | 3,240 | |
| C | Deliverable supply | | 3,755 | |
| D | 5 year requirement | | 3,240 | Supply as a % of a requirement |
| E | 5 year requirement + 5% buffer | | 3,402 | Supply in years |
| | | | | 110% |
| | | | | 5.52 |

The figures within the housing trajectory have been collected as of March 2020 when the councils Core Strategy is more than 5 years old. Therefore the five year supply for 2020-2025 is calculated on the basis of the standard method for calculating local housing need which is an annual requirement of 648 per year.

The housing requirement within the Core Strategy does not include the student population so Purpose Built Student Accommodation is not included in the housing trajectory. However, the standard method makes no such alteration and includes student population growth. Therefore, if student accommodation were to be factored into the five year supply the following sites would be taken into account. The ratio of 2.5 bed spaces to one dwelling from the Housing Delivery Test Measurement Rule Book would apply.

The Old Bakery – 63 beds, ratio delivery of 25 dwellings
 Bath Cricket Club – 136 beds, ratio delivery of 54 dwellings
 Pickfords – 204 beds, ratio delivery of 82 dwellings

Total – 161

If the number of bed spaces are added to the deliverable supply this results in a deliverable supply of 3916. **This amounts to a house land supply of 5.72 years.**

The monitoring reports are also published on our website: <https://beta.bathnes.gov.uk/policy-and-documents-library/five-year-housing-land-supply-and-housing-and-economic-land>

| | |
|--|--|
| Contact person | John Theobald, Project/Technical and Management Support Officer, Planning 01225 477519 |
| Background papers | CLG General Development Management statistical returns PS1 and PS2 + Planning applications statistics on the DCLG website: https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics |
| Please contact the report author if you need to access this report in an alternative format | |