

 <p><b>Reigate &amp; Banstead</b> BOROUGH COUNCIL Banstead   Horley   Redhill   Reigate</p>	TO:	PLANNING COMMITTEE
	DATE:	31 October 2018
	REPORT OF:	HEAD OF PLANNING
	AUTHORS:	Andrew Benson
	TELEPHONE:	01737 276175
	EMAIL:	<a href="mailto:Andrew.benson@reigate-banstead.gov.uk">Andrew.benson@reigate-banstead.gov.uk</a>
<b>AGENDA ITEM:</b>	11	WARD: All

<b>SUBJECT:</b>	<b>DEVELOPMENT MANAGEMENT Q2 PERFORMANCE</b>
<b>PURPOSE OF REPORT:</b>	To inform members of the 2018/19 Q2 Development Management performance against a range of indicators
<b>RECOMMENDATION:</b>	<b>To note the performance of Q2 of 2018/19</b>

Planning Committee has authority to note the above recommendation
---

## BACKGROUND

1. Development Management encompasses a wide range of planning activities including pre-application negotiations and engagement; decision making on planning applications through to compliance and enforcement.
2. It puts the Council's locally adopted development plan policies into action and seeks to achieve sustainable development.
3. It is a non-political, quasi-judicial system with all Development Management functions falling under the responsibility of the Planning Committee in the Council's Constitution. As such it is a non-Executive function falling outside the scope of the quarterly corporate performance reports that are presented to the Executive and Overview and Scrutiny Committee.
4. Development Management performance has always been monitored and reviewed in line with statutory and local targets with quarterly reports sent to the Department for Communities and Local Government. However, given that all functions of the Council as Local Planning Authority fall under the responsibility of the Planning Committee, the performance information has also been shared with the Planning Committee Chairman. This report enables the performance indicators to be noted by the Planning Committee itself.
5. This report is the second quarterly report of the 2017/18 municipal year and provides the quarterly performance at Table 1. Also provided at Table 2 is the requested performance measure, relating to the time taken in total days from receipt of a valid application to its registration.

**PERFORMANCE**

	<b>Performance measure</b>	<b>Target %</b>	<b>Q1 18/19</b>	<b>Q2 18/19</b>
	<b>Applications determined (in 8/13 weeks or agreed ext of time)</b>			
1	Major applications	60%	100%	90%
2	Non-major applications	65%	95%	91%
3	Average days to decision	73	73	82
	<b>Appeals</b>			
4	Appeals Received	-	15	37
5	Major Appeals Decided	-	1	3
6	Major Appeals Dismissed	70%	0%	0%
7	Non-major appeals Decided	-	18	10
8	Non-major appeals Dismissed	70%	44%	60%
	<b>Enforcement</b>			
7	Reported Breaches Received		115	118
8	Cases Closed		111	135
9	On hand at end of period		165	147
10	Cases over 6 months old (no notice)		23	25
11	Priority 1 Enforcement cases investigated within 24 hours	100%	100%	100%
	<b>Application Workload</b>			
12	On hand at beginning		345	350
13	Received		381	309
14	Determined		360	343
15	On hand at end of period		353	305

**Table 1 - Development Management performance**

Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
16.6	10.8	5.7	5.4	4.9	5.3	7.3	6.5	6.5	7.8	6.0	5.6	8	6.2	5.8	2.3	2.9

**Table 2 – Time taken from receipt to registration (days)**

**Planning applications**

6. The Town and Country Planning Development Management Procedure Order 2015 sets the statutory period for the determination of planning applications at 8 weeks for non-major applications and 13 weeks for major applications (10+ dwellings or 1,000+ sqm floorspace). This statutory period is relaxed where an extension of time is agreed between the applicant and local planning authority. In order to monitor the performance of local planning authorities, the Government sets targets for the determination of major and non-major planning applications within the statutory period or agreed extension of time. For major developments, this target is 60% and for non-major developments it is 70%. This Council's local performance target is slightly different at 60% and 65% respectively.
7. In this Quarter 90% of major applications were determined within the statutory period or within agreed extension of time and 91% of non-major applications were determined within the statutory period or agreed extension of time. This compares favourably against the Government and local performance targets. This also compares favourably to the national picture where 87% of majors and 84% of minors were determined within the relevant periods in Quarter 1.

8. The average days to decision for Q1 was 82 days, exceeding the target of 73 days. However, this was due to one outlier which skewed the overall figure, without which the average days to decision would have been 69 days, within target. It is not therefore reflective of a wider trend.

### Planning appeals

9. 37 appeals were submitted in the last quarter which is relatively high and likely to be due to the Planning Inspectorate working through some of their backlog of appeals awaiting validation.
10. Alongside the Government performance measure based on speed of determination of planning applications, is the other performance criteria set for local planning authorities aimed at assessing the 'quality' of decision making. This is measured as a percentage of total applications which result in an appeal allowed, broken down between major and non-major development proposals. The relevant target for both types of application is that not more than 10% of applications should be allowed at appeal.  
For example –  
If 100 major applications are determined by the authority over the qualifying two-year period and 9 are allowed at appeal that would result in a figure of 9% which is acceptable. However, if 100 major applications were determined and 11 of these ended up being appealed and the appeals allowed, this would result in a figure of 11% which fails the 10% target.  
  
The assessment is made over a 2-year period, with the current period concluding 31st December 2018.
11. So far within the current period, we have determined 77 major applications, 5 of which have been allowed at appeal. This equates to 6.5% which is within target and it is unlikely that a further 3 major appeals will be allowed to the period to 31<sup>st</sup> December 2018 (when considering the major appeals pending) which would result in the poorly performing categorisation. However, 4 of those 5 major appeals allowed came in the current year (with 3 in the last quarter) and so will roll forward and continue to be counted in the assessment at end December 2019.
12. This does therefore pose a risk of the 10% target of major applications being allowed at appeal being exceeded in next year's performance assessment given it is likely that 3 or 4 major appeals allowed between now and 31<sup>st</sup> December 2019 would trigger the 10% target across the two years being exceeded.
13. If the target across the two-year period is not achieved then legislation gives rise for the designation of the local planning authority as 'poorly performing.' In such circumstances applicants have the potential to bypass the local planning authority for determining their planning applications, instead submitting them directly to the Planning Inspectorate thus taking the potential to determine planning applications within its area out of the local authority's hands.
14. Therefore, whilst planning applications must always be determined as the decision maker sees fit, with regard to policies in the development plan and other material considerations, it is important for all decision makers to understand the potential consequences of their decisions. This is particularly so

for major applications given the relatively low numbers and ability for a small number of allowed appeals to skew the figures and given both the high proportion of these that are appealed and the higher chances of appeals being allowed for such schemes. Designation based on the non-major performance is extremely unlikely given the larger application base to be assessed against, which generally gives a figure of around 5% allowed at any one time with little variation year to year. The focus therefore is on major schemes.

15. This Quarter, 3 major applications were allowed at appeal. They were:

17/00762/F - 130-138 Great Tattenhams, Epsom Downs KT18 5SF  
*Demolition of existing buildings and redevelopment to form 34 one and two bed retirement apartments for the elderly*



140-142 Great Tattenhams Proposed Churchill Retirement Development Footpath 128 Great Tattenhams  
CONTEXTUAL ELEVATION A-A (GREAT TATTENHAMS)



This application was refused at the 26<sup>th</sup> July 2017 Planning Committee for two technical reasons which were overcome during the appeal stage and a further reason on character grounds added by the Committee. In this respect the appeal Inspector commented *“The appeal proposal would be larger than the dwellings that it would replace. It would have a greater site coverage, depth and bulk. However, it would be set back from the street, on a similar line to other*

*dwellings in the locality, behind a landscaped frontage. Due to the slope of the land to the rear of the site, it would have a similar overall height to other buildings in the locality. Whilst it would be wide it would provide some separation from existing dwellings and the bulk of the front element would be broken up by deeply recessed and lower 'link' elements. As a result it would have the appearance of a number of separate elements, such that it would generally accord with the layout and rhythm of dwellings in the street."*

17/00539/F - Nutley Dean Business Park, Small Hill Road, Horley RH6 0HR

*Removal of industrial buildings and the erection of 10 dwellings*



This was a delegated refusal on grounds that the proposed development would be inappropriate in the green belt and unsustainably located.

The Inspector, in allowing the appeal, agreed that the height of proposed dwellings would exceed current buildings on site but that the overall site coverage and volume of buildings would be reduced. He therefore considered there would be no overall harm to openness and therefore appropriate redevelopment of previously developed land.

With regards the site's location, the Inspector agreed that the proposal would not be sustainably located and so conflict with Policy CS17 of the Core Strategy but considered overall, the proposed residential development would result in fewer trips than the lawful industrial use.

17/00870/F - Cornerways, Smugglers, Mountfield & 266 Chipstead Way, Outwood Lane, Chipstead, CR5 3NH

*Demolition of existing buildings and redevelopment to form 25 retirement living apartments for older persons*



This was another delegated refusal, primarily on character grounds but also noise impact to neighbours associated with the steep access drive to the side of the development.

The appeal Inspector disagreed with the Council's concerns regarding the building's depth, appearing cramped, prominent and out of keeping with the domestic character. Instead it was concluded *"Rather than causing harm to the character and appearance of the local area it would have a beneficial effect in townscape terms by more clearly marking an important corner site and providing better definition to the road junction and the approaches to it."*

With regards the noise issue the appellants (McCarthy & Stone) produced technical evidence to demonstrate that there would be limited harm to the neighbouring properties. Whilst such evidence is often disregarded by Inspectors in favour of a qualitative assessment, in this case that was given considerable weight leading to the conclusion that there would be no harmful noise impact.

16 The other appeal decision of note, relates to a non-major decision but one which was determined by the Planning Committee. It was:

17/01061/F - Mount Pleasant, Coppice Lane, Reigate RH2 9JF

*Demolition of existing residential dwelling (Use Class C3) and erection of replacement buildings comprising 6 no. flats and 1 no. 5 bedroom dwelling house*



The main issue was whether the proposed development of 6 flats and 1 house would be more harmful to the openness of the green belt compared to the current buildings on site.

The Inspector considered the impacts of both the built form and the intensity of use associated with the flats but concluded this would not be materially more harmful to openness of the green belt than the lawful use of the building so found the proposal to be acceptable.

### Planning Enforcement

- 17 The enforcement performance statistics for Quarter 2 show a similar number of cases received but with higher number of cases closed than the previous quarter so bringing down the number of open cases. The number of cases over six months old is also comparable with previously so being kept well under control. Last quarter was the first to consider the number of Priority 1 cases investigated within 24 hours and this remains at 100%.

### Registration/Other

- 18 Table 2 shows the continued efficiency of the registration team, with applications taking on average less than 3 days from receipt before they are registered. The team has recently lost two members of staff and so efforts will be made including recruitment to ensure that performance is maintained despite this.