

 Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate	TO:	PLANNING COMMITTEE
	DATE:	27 th April 2022
	REPORT OF:	HEAD OF PLANNING
	AUTHORS:	Andrew Benson
	TELEPHONE:	01737 276175
	EMAIL:	Andrew.benson@reigate-banstead.gov.uk
AGENDA ITEM:	8	WARD: All

SUBJECT:	DEVELOPMENT MANAGEMENT Q4 2021-22 PERFORMANCE
PURPOSE OF REPORT:	To inform members of the 2021/22 Q4 Development Management performance against a range of indicators
RECOMMENDATION:	To note the performance of Q4 2021/22

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, legislative 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 Levelling Up housing and Communities. 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 fourth quarterly report of the 2021/22 municipal year and provides the quarterly performance at Table 1. Also provided at Table 2 is the performance measure, relating to the time taken in total days from receipt of a valid application to its registration.

PERFORMANCE

	Applications determined (in 8/13 weeks or agreed)	Target	20/21	Q1	Q2	Q3	Q4	21/22
1	Major applications	60%	91%	75%	80%	75%	86%	81%
2	Non-major applications	70%	87%	80%	87%	80%	92%	86%
3	Average days to decision	73	80	80	73	80	78	78
Appeals								
4	Appeals Received	-	74	14	19	21	30	84
5	Major Appeals Decided	-	3	1	1	3	1*	6
6	Major Appeals Dismissed	70%	3 (100%)	1 (100%)	1 (100%)	2 (75%)	0 (0%)	4 (66.6%)
7	Non-major appeals Decided	-	56	10	16	13	15	54
8	Non-major appeals Dismissed	70%	37 (66%)	9 (90%)	10 (62.5%)	8 (62%)	9 (56%)	36 (66.6%)
Enforcement								
9	Reported Breaches		417	105	100	113	120	429
10	Cases Closed		374	84	86	135	125	430
11	On hand at end of period		162	190	189	197	161	161
12	Cases over 6 months old		56	62	68	74	40	40
13	Priority 1 Enforcement	100%	100%	100%	100%	100%	100%	100%
Application Workload								
14	Received		1417	478	410	369 (251 HH)	403 (282 HH)	1651
15	Determined		1276	421	473	351	328	1573
16	On hand at end of period		460	497	419	413	469	469
17	Withdrawn		50	15	12	18	16	61

* Great Tattenhams appeal allowed but subsequently quashed and awaiting redetermination

Table 1 - Development Management performance

Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
9	10.2	8.5	9.5	8.1	7.1	11.1	12.1	12.3	6.7	3.7	3.3	2.8	3.1	2.6	2.3	2.8	2.4

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

Reason for delay	Number
Awaiting compliance check	1
Awaiting submission of application	7
Awaiting outcome of application	11
Written in past month chasing information/regularisation	1
Open/ongoing prosecution	1
Awaiting Appeal	9
Expediency of harm be concluded with input from statutory consultees	2
Regularising works commenced but not yet complete	4
Chasing up of costs	1
Temporary Stop Notice Served	1
Awaiting planting of replacement tree	1
Delayed by probate	1

Table 3 – Reason for enforcement investigation over 6 months

Planning applications

6. 403 planning applications (282 householder) were received in Q4 which picked up from Q3 but continues the reduction from the extremely high number of submissions in Q1 of 478 and is more in line with long term average application numbers. Across the year the total of 1651 applications received is the highest since 2016/17 reflecting a busy and buoyant construction sector, particularly though still in terms of householder extensions which have formed the vast bulk of submissions. The number on hand at the end of the period, at 469 is similar to that last year at 460, meaning that decisions are being made and cases closed effectively.
7. 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%.
8. In this Quarter 86% of major applications were determined within the statutory period or within agreed extension of time and across the year as a whole this figure was 81% so comfortably meeting the statutory target. For non-major applications the figure was 92% for the quarter and 86% for the year so the target was met for both.
9. The average days to decision for the quarter and the year as a whole was 78 days, which missed the target of 73 days, primarily due to improvements being sought and amendments secured to add value with the applicant's agreement to an extension of time.

Planning appeals

10. 30 appeals have been received in the quarter and 84 over the year as a whole.
11. 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 considers appeals allowed against applications refused by each authority across a two year period. Over this latest two-year period 79 major applications were determined meaning 8 or more appeals allowed in the two year period to 31st December 2022 will lead to the target being missed and likely poorly performing designation together with the loss of control by virtue of the ability to submit applications directly to the Secretary of State.

12. In this last quarter two major appeals were determined and both were allowed. One was a green belt development at a former nursery in Croydon Lane, Banstead and one was a flatted redevelopment of a site in Great Tattenhams. However, the Council has successfully sought a judicial review of the Great Tattenhams decision and it has been quashed and will fall to be redetermined. As such it will not count against this quarter's or this year's statistics and so the figure for the quarter is 1 of 1 allowed. Across the year 4 of the 6 major appeals were dismissed or 2 allowed. This is a sustainable number in the context of the poor performance designation criteria.
13. 9 out of the 15 non-major appeals determined in this quarter were dismissed representing 56% dismissed which misses the 70% target but evens out across the year where 66.6% were dismissed. 3 of the 9 were applications that were decided by Committee (94 Brighton Rd Horley, 29 Woodlands Road Redhill and 16 Downs Wood).

Planning Enforcement

14. There were 120 reported enforcement breaches in the quarter, continuing the high numbers that started to be reported last year. This is common across the County and nationally as was reported in the national planning press in December. It is likely to be a result of the combination of more people working at home, spending more time observing development in their neighborhoods as well as some changes resulting from Government changes in response to Covid such as extending construction hours and correlations to the high numbers of planning applications and amount of householder development currently being undertaken. At 429 enforcement breaches reported across the year, this is the highest recorded. However, work has been focused on clearing more historic cases which is now back closer to the average baseline at 40 cases over 6 months remaining unclosed.

Registration

15. Table 2 shows that performance in the time taken from receipt to registration of new applications. It is pleasing to report how quickly valid applications have been registered in this last quarter.

Overall

16. It has been a busy year with the highest numbers of planning application submissions for years but performance has remained strong in the registration and determination of these. Maintaining some of the efficient working practices developed from working through the pandemic lockdowns has been crucial in assisting with this. Planning enforcement cases continue to run high but are being appropriately managed and kept on top of.

17. A Development Manager has been appointed which will assist in maintaining performance and supporting the team, hopefully starting in June.

18. The significant changes to the planning system proposed by the Planning White Paper seem to have been watered down but it is still likely that there will be further changes to the system to be reported in the Queens Speech and delivered through the Levelling Up and Housing Acts rather than a standalone Planning Act.