

 <p>Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate</p>	TO:	PLANNING COMMITTEE
	DATE:	23 January 2019
	REPORT OF:	HEAD OF PLANNING
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AGENDA ITEM:	12	WARD: All

SUBJECT:	DEVELOPMENT MANAGEMENT Q2 PERFORMANCE
PURPOSE OF REPORT:	To inform members of the 2018/19 Q3 Development Management performance against a range of indicators
RECOMMENDATION:	To note the performance of Q3 of 2018/19

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 third 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

	Performance measure	Target %	Q1 18/19	Q2 18/19	Q3 18/19
	Applications determined (in 8/13 weeks or agreed ext of time)				
1	Major applications	60%	100%	90%	100%
2	Non-major applications	70%	95%	91%	90%
3	Average days to decision	73	73	82	76
	Appeals				
4	Appeals Received	-	15	37	7
5	Major Appeals Decided	-	1	3	2
6	Major Appeals Dismissed	70%	0%	0%	2 (100%)
7	Non-major appeals Decided	-	18	10	14
8	Non-major appeals Dismissed	70%	44%	60%	6 (43%)
	Enforcement				
7	Reported Breaches Received		115	118	97
8	Cases Closed		111	135	114
9	On hand at end of period		165	147	139
10	Cases over 6 months old (no notice)		23	25	33
11	Priority 1 Enforcement cases investigated within 24 hours	100%	100%	100%	100%
	Application Workload				
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

Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
5.3	7.3	6.5	6.5	7.8	6.0	5.6	8	6.2	5.8	2.3	2.9	2.6	3.8	5.3	7.1

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

Planning applications

- 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.
- In this Quarter 100% of major applications were determined within the statutory period or within agreed extension of time and 90% 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 Q3 was 76 days, slightly exceeding the target of 73 days. However, this partly reflects the increased use of extensions of time to secure better schemes, and amend applications to make them acceptable where appropriate.

Planning appeals

9. 7 appeals were submitted in the last quarter which is relatively low, especially in comparison to the previous quarter. However this statistic does not necessarily portray the true situation given the significant backlog at the Planning Inspectorate to start appeals, which are 12 weeks from receipt to start letter for written representation and 26 weeks from receipt to start letter for hearings.

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. The period concluding 31st December 2018 has now ended and we are entering the next period which will conclude 31st December 2019 and consider appeals determined between 31st December 2017 and 31st December 2019, so factoring those received in the last year.

11. 4 major appeals were allowed in 2018 and so will roll forward and continue to be counted in the assessment at end of December 2019. As previously reported, it is likely that 3 or 4 major appeals allowed between now and 31st December 2019 would trigger the 10% target across the two years being exceeded.
12. 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.

13. 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.
14. It is pleasing to report that there were no major appeals allowed in the last quarter. Two major appeals were dismissed, one of which came through the Planning Committee at Winscombe, Furze Hill, Kingswood and was a case study, amongst others, at the recent Member's session on appeals, held in December.

Planning Enforcement

15. The enforcement performance statistics for Quarter 3 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%.
16. Officers have met with the Chairman and Vice-Chairman to consider what process improvements might be achievable across Development Management, especially in order to improve the residents' experience. One important improvement being progressed is to enable the public search of enforcement cases, so that the Council's website can be used to track an enforcement case and view enforcement notices. We have also simplified and added QR codes to our planning site notices to make them clearer, more visible and increase the ease of accessing information.

Registration/Other

17. Table 2 shows a deterioration in the time taken for applications to be registered. This is a direct result of the staffing of the planning support team, which lost two members of staff as reported in October, the posts of which have still not been filled after an initial unsuccessful recruitment exercise. It is therefore presently operating as a team of three, rather than five, although a second recruitment exercise was undertaken before Christmas and is expected to be filled within the next month.