

 <b>Reigate &amp; Banstead</b> BOROUGH COUNCIL Banstead   Horley   Redhill   Reigate	TO:	PLANNING COMMITTEE
	DATE:	28 October 2020
	REPORT OF:	HEAD OF PLANNING
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<b>AGENDA ITEM:</b>	14	WARD: All

<b>SUBJECT:</b>	<b>DEVELOPMENT MANAGEMENT Q2 PERFORMANCE</b>
<b>PURPOSE OF REPORT:</b>	To inform members of the 2020/21 Q2 Development Management performance against a range of indicators
<b>RECOMMENDATION:</b>	<b>To note the performance of Q2 of 2020/21</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, 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 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 2020/21 municipal year and provides the quarterly and end-of-year 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 and at Table 3, a breakdown on the reasons for each of the over-6 month enforcement cases.

**PERFORMANCE**

	Applications determined (in 8/13 weeks or agreed)	Target	Q1	Q2	Q3	Q4	19/20	Q1	Q2
1	Major applications	60%	100%	93%	75%	91%	92%	100%	86%
2	Non-major applications	70%	86%	88%	91%	75%	85%	79%	86%
3	Average days to decision	73	73	95	73	79	80	79	88
<b>Appeals</b>									
4	Appeals Received	-	31	21	18	11	81	13	18
5	Major Appeals Decided	-	0	2	2	2	6	1	0
6	Major Appeals Dismissed	70%	-	1 (50%)	1 (50%)	0 (0%)	2 (33%)	1 (100%)	NA
7	Non-major appeals Decided	-	16	18	21	10	65	5	16
8	Non-major appeals Dismissed	70%	9 (56%)	16 (88%)	15 (71%)	7 (70%)	47 (72%)	4 (80%)	14 (87%)
<b>Enforcement</b>									
9	Reported Breaches		87	102	68	84	341	87	124
10	Cases Closed		76	120	90	80	366	47	107
11	On hand at end of period		139	120	116	134	-	171	161
12	Cases over 6 months old		32	26	28	29	-	42	57
13	Priority 1 Enforcement	100%	100%	100%	100%	(100%)	100%	100%	100%
<b>Application Workload</b>									
14	On hand at beginning		369	358	340	336	369	372	323
15	Received		343	309	330	351	1063	267	319
16	Determined		335	314	315	310	1274	303	255
17	On hand at end of period		366	343	335	372	372	328	379
18	Withdrawn					5	-	8	8

**Table 1 - Development Management performance**

Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
4.2	3.9	4.2	3	5.3	8	6.7	5.9	4.2	5.5	3.3	3.5	4.1	5.5	7.1	6.6	7.6	7.1

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

Reason for delay	Number
Awaiting compliance check	11
Awaiting submission of application	10
Awaiting outcome of application	9
Written in past month chasing information/regularisation	9
Open/ongoing prosecution	1
Awaiting Appeal	6
Expediency of harm be concluded with input from statutory consultees	2
Regularising works commenced but not yet complete	3
Chasing up of costs	2
Temporary Stop Notice Served	2
Awaiting planting of replacement tree	1
Delayed by probate	1

**Table 3 – Reason for enforcement investigation over 6 months**

**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%.

7. In this Quarter 86% of major applications (12 out of 14) were determined within the statutory period or within agreed extension of time. For non-major applications the figure was also 86% for the quarter. Both represent a comfortable exceedance of Government and local performance targets and also the national average, despite the challenging issues associated with Covid-19 restrictions.
8. The average days to decision for Q1 was 88 days, missing the target of 73 days and up from recent quarters. To a degree this reflects the fact that increasingly extensions of time are being agreed to extend the determination period at the applicant's agreement in order to improve schemes or make them acceptable rather than issuing refusals which are followed up by a 'free-go' application. This quarter was also skewed by a couple of applications which involved lengthy S106 legal agreements to be completed. However, it is also to a large degree a result of the significant time taken to receive responses from a key planning consultee which is still being addressed.

### Planning appeals

9. 18 appeals were received in the quarter and the Planning Inspectorate has sought to respond to the challenge of social-distancing restrictions by holding virtual hearings and a new flexible hearing/inquiry process has been introduced. Having initially ceased site inspections, common with local planning authority planning teams, these have since been restarted.
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 considers appeals allowed against applications refused by each authority across a two year period. Over this latest two-year period 73 applications were determined meaning 8 or more appeals allowed in the two year period to 31<sup>st</sup> December 2019 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.

11. In this last quarter no major appeals were determined.
12. 16 out of the 18 non-major appeals determined in this quarter were dismissed showing the robustness of the refusals made and representing 87% dismissed, well in exceedance of the 70% target.
13. Plans for a facilitated training session on defensible decision making are still being progressed. New arrangements have also been made for consideration and prioritization of contentious major applications at the Development Forums.

### **Planning Enforcement**

14. The enforcement performance statistics for Quarter 1 show a significant increase in in the number of reported breaches from previous quarters. This carries on the trend of increased enforcement reports started in March with more people working at home and spending time in their local neighborhoods. When combined with the difficulty in closing some cases whilst restrictions in site inspections were in place, this has resulted in an increase in the number of enforcement cases on hand and over 6 months. Similar trends have also been anecdotally experienced from other authorities across the county.
15. Efforts are still ongoing to reduce down the backlog of cases on hand. Despite these challenges, planning enforcement has had various success including a successful prosecution with proceeds of crime order against an unauthorized advertisement in Redhill.

### **Registration/Other**

16. Table 2 shows that performance in the time taken from receipt to registration of new applications. This has continued to rise over the quarter, reflecting the increase in application submissions. It is heavily IT-dependent meaning it has been significantly impacted by the speed of processes whilst working remotely. The team is carrying a vacant post which is to be filled to help address this.
17. The number of planning applications has increased in this quarter compared to previous and reflects the pick-up in construction post-lockdown.