

 Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate	TO:	PLANNING COMMITTEE
	DATE:	20 th January 2021
	REPORT OF:	HEAD OF PLANNING
	AUTHORS:	Andrew Benson
	TELEPHONE:	01737 276175
	EMAIL:	Andrew.benson@reigate-banstead.gov.uk
AGENDA ITEM:	11	WARD: All

SUBJECT:	DEVELOPMENT MANAGEMENT Q3 PERFORMANCE
PURPOSE OF REPORT:	To inform members of the 2020/21 Q3 Development Management performance against a range of indicators
RECOMMENDATION:	To note the performance of Q3 of 2020/21

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 third 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	Q3	Q4	19/20	Q1	Q2	Q3
1	Major applications	60%	75%	91%	92%	100%	86%	75%
2	Non-major applications	70%	91%	75%	85%	79%	86%	84%
3	Average days to decision	73	73	79	80	79	88	86
Appeals								
4	Appeals Received	-	18	11	81	13	18	21
5	Major Appeals Decided	-	2	2	6	1	0	1
6	Major Appeals Dismissed	70%	1 (50%)	0 (0%)	2 (33%)	1 (100%)	NA	1 (100%)
7	Non-major appeals Decided	-	21	10	65	5	16	19
8	Non-major appeals Dismissed	70%	15 (71%)	7 (70%)	47 (72%)	4 (80%)	14 (87%)	9 (47%)
Enforcement								
9	Reported Breaches		68	84	341	87	124	99
10	Cases Closed		90	80	366	47	107	118
11	On hand at end of period		116	134	-	171	161	149
12	Cases over 6 months old		28	29	-	42	57	58
13	Priority 1 Enforcement	100%	100%	(100%)	100%	100%	100%	100%
Application Workload								
14	On hand at beginning		340	336	369	372	323	372
15	Received		330	351	1063	267	319	404
16	Determined		315	310	1274	303	255	330
17	On hand at end of period		335	372	372	328	379	423
18	Withdrawn			5	-	8	8	23

Table 1 - Development Management performance

Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
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	9	10.2	8.5

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	11
Written in past month chasing information/regularisation	7
Open/ongoing prosecution	1
Awaiting Appeal	8
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	1
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 75% of major applications (3 out of 4) were determined within the statutory period or within agreed extension of time. For non-major applications the figure was also 84% 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 86 days, missing the target of 73 days but down from the previous quarter. 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. 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. 21 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. The first of such was heard and determined within Q3, for the major application at Farm Corner, 15 The Avenue Tadworth.
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 major applications were determined meaning 8 or more appeals allowed in the two year period to 31st December 2020 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 one major appeal was determined, that being the one at Farm Corner, heard by virtual hearing and it was dismissed.
12. Only 10 out of the 19 non-major appeals determined in this quarter were dismissed representing 47% dismissed, well below the 70% target. The appeals were varied and it is difficult to establish a trend or reason for the high number of non-major appeals being allowed in the quarter. It will continue to be monitored for evidence of trends but, when taken across the year this appeal statistic is on target. The only appeal to have been considered by the Planning Committee was allowed, that being 134 Brighton Road, Hooley.
13. Plans for a facilitated training session on defensible decision making are still being progressed but the training provider has been difficult to contact, perhaps due to furlough.

Planning Enforcement

14. The enforcement performance statistics for the quarter show an increase in the number of reported breaches from Q3 in 2019/20 although it was down from Q2. This carries on the trend of increased enforcement reports which started in March with more people working at home and spending time in their local neighborhoods and is a nationwide trend as was reported in the national planning press in December. 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.

Registration/Other

15. 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 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.
16. The number of planning applications has increased in this quarter compared to previous and reflects the pick-up in construction post-lockdown.