

 <b>Reigate &amp; Banstead</b> BOROUGH COUNCIL Banstead   Horley   Redhill   Reigate	TO:	PLANNING COMMITTEE
	DATE:	9th February 2022
	REPORT OF:	HEAD OF PLANNING
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<b>AGENDA ITEM:</b>	13	WARD: All

<b>SUBJECT:</b>	<b>DEVELOPMENT MANAGEMENT Q22021-22 PERFORMANCE</b>
<b>PURPOSE OF REPORT:</b>	To inform members of the 2021/22 Q3 Development Management performance against a range of indicators
<b>RECOMMENDATION:</b>	<b>To note the performance of Q3 2021/22</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 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 third 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	Q3	Q4	20/21	Q1	Q2	Q3
1	Major applications	60%	75%	60%	91%	75%	80%	75%
2	Non-major applications	70%	84%	95%	87%	80%	87%	80%
3	Average days to decision	73	86	71	80	80	73	80
<b>Appeals</b>								
4	Appeals Received	-	21	22	74	14	19	21
5	Major Appeals Decided	-	1	1	3	1	1	3
6	Major Appeals Dismissed	70%	1 (100%)	1 (100%)	3 (100%)	1 (100%)	1 (100%)	2 (75%)
7	Non-major appeals Decided	-	19	16	56	10	16	13
8	Non-major appeals Dismissed	70%	9 (47%)	10 (62.5%)	37 (66%)	9 (90%)	10 (62.5%)	8 (62%)
<b>Enforcement</b>								
9	Reported Breaches		99	105	417	105	100	113
10	Cases Closed		118	106	374	84	86	135
11	On hand at end of period		149	162	162	190	189	197
12	Cases over 6 months old		58	56	56	62	68	74
13	Priority 1 Enforcement	100%	100%	100%	100%	100%	100%	100%
<b>Application Workload</b>								
14	Received		404	431	1417	478	410	369 (251 HH)
15	Determined		330	389	1276	421	473	351
16	On hand at end of period		423	460	460	497	419	413
17	Withdrawn		23	11	50	15	12	18

**Table 1 - Development Management performance**

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

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

Reason for delay	Number
Awaiting compliance check	10
Awaiting submission of application	15
Awaiting outcome of application	15
Written in past month chasing information/regularisation	8
Open/ongoing prosecution	1
Awaiting Appeal	12
Expediency of harm be concluded with input from statutory consultees	2
Regularising works commenced but not yet complete	5
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. 369 planning applications (251 householder) were received in Q3 which

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. This has allowed planning application case officers to catch up after fears of caseloads being unmanageable as previously reported.

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 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 80% for the quarter and so the target was met for both. This is against the backdrop of significant delays in the registration and determination of planning applications as reported in the national press in November.
9. The average days to decision for Q1 was 80 days, which missed the target of 80 days, primarily due to a small number of applications being determined which were vastly beyond their 8 week date due to issues being able to progress them having been resolved.

### **Planning appeals**

10. 21 appeals have been received in the quarter.
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 73 major applications were determined meaning 8 or more appeals allowed in the two year period to 31<sup>st</sup> December 2021 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 three major appeals were determined and two were dismissed and one allowed. As the first major appeal allowed for a year, it does not risk triggering the poor performance designation but as always it is a matter to be mindful of. The one major appeal allowed was 8 Brighton Road, Hooley which was refused at the October 2020 Committee meeting.
13. 8 out of the 13 non-major appeals determined in this quarter were dismissed representing 62% dismissed which misses the 70% target but evens out across the year.

### **Planning Enforcement**

14. There were 113 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 being locked down 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 development currently being undertaken. When combined with working through the backlog associated with the difficulty in closing some cases whilst restrictions in site inspections were in place, and the continued sickness absence of one enforcement officer, this has resulted in an increase in the number of enforcement cases on hand and over 6 months across the year. The team is back to full capacity which will help it catch up.

### **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. The drop off in application numbers from the record highs in the first quarter has eased pressure upon application caseloads and the need to consider reducing services as other authorities have been forced to do. Planning enforcement cases continue to run high but are being appropriately managed and kept on top of.
17. The department is looking to advertise two key vacancies of Development Manager and Principal Planning Officer which have been covered by contract staff in recent months. Successful recruitment will help build stability and resilience within the team.
18. Outside of performance measures but for Members to note, is a further recent change to permitted development regulations, which now allows pubs and restaurants to install outdoor seating structures (marquees, gazebos etc) without requiring planning permission.