

 <p>Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate</p>	TO:	PLANNING COMMITTEE
	DATE:	11 th January 2023
	REPORT OF:	HEAD OF PLANNING
	AUTHORS:	Andrew Benson
	TELEPHONE:	01737 276175
	EMAIL:	Andrew.benson@reigate-banstead.gov.uk
AGENDA ITEM:	10	WARD: All

SUBJECT:	DEVELOPMENT MANAGEMENT Q3 2022-23 PERFORMANCE
PURPOSE OF REPORT:	To inform members of the 2022/23 Q3 Development Management performance against a range of indicators
RECOMMENDATION:	To note the performance of Q3 2022/23

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 2022/23 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	21/22	Q1	Q2	Q3
1	Major applications	60%	75%	86%	81%	75%	100%	100%
2	Non-major applications	70%	80%	92%	86%	81%	80%	84%
3	Average days to decision	73	80	78	78	78.5	82.6	78.6%
	Appeals							
4	Appeals Received	-	21	30	84	19	8	13
5	Major Appeals Decided	-	3	1*	6	-	1	-
6	Major Appeals Dismissed	70%	2 (75%)	0 (0%)	4 (66.6%)	-	1 (100%)	-
7	Non-major appeals Decided	-	13	15	54	5	2	10
8	Non-major appeals Dismissed	70%	8 (62%)	9 (56%)	36 (66.6%)	4 (80%)	2 (100%)	8 (80%)
	Enforcement							
9	Reported Breaches		113	120	429	110	127	111
10	Cases Closed		135	125	430	95	103	123
11	On hand at end of period		197	161	161	213	193	178
12	Cases over 6 months old		74	40	40	53	59	47
13	Priority 1 Enforcement	100%	100%	100%	100%	100%	100%	100%
	Application Workload							
14	Received		369 (251 HH)	403 (282 HH)	1651	377 (310 HH)	325 (286HH)	283 (248 HH)
15	Determined		351	328	1573	413	334	308
16	On hand at end of period		413	469	469	423	404	369
17	Withdrawn		18	16	61	10	9	9

* Great Tattenhams appeal allowed but subsequently quashed and awaiting redetermination

Table 1 - Development Management performance

Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
12.3	6.7	3.7	3.3	2.8	3.1	2.6	2.3	2.8	2.4	3.5	2.6	2.4	3.1	4.5	5.0	2.8	3.1	7.3

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

Reason for delay	Number
Awaiting compliance check	2
Awaiting submission of application	10
Awaiting outcome of application	11
Written in past month chasing information/regularisation	1
Open/ongoing prosecution	1
Awaiting Appeal	12
Expediency of harm be concluded with input from statutory consultees	1
Regularising works commenced but not yet complete	4
Chasing up of costs	1
Temporary Stop Notice Served	1
Awaiting planting of replacement tree	2
Delayed by probate	1

Table 3 – Reason for enforcement investigation over 6 months

Planning applications

6. 283 planning applications (248 householder) were received in Q3 which continues the downward trend from the very high peak of Q1/2021/22. The downward trend is expected and likely to continue with the cost of living pressures. The number on hand at the end of the period, at 369 continues to drop as more cases are determined than received which is encouraging in ensuring against a build-up of undetermined cases. However, offsetting a decrease in applications has also been a reduction in case officers, as is reported later.
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 100% (8 out of 8) of major applications were determined within the statutory period or within agreed extension of time so comfortably meeting the statutory target. For non-major applications the figure was 84% for the quarter, again exceeding the target.
9. The average days to decision for the quarter came back down to the average of 78 days, which still 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 and also impacted by the quarter including the summer holiday season.

Planning appeals

10. 13 appeals have been received in the quarter.
11. Alongside the Government performance measures 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 no major appeals were determined, and none were allowed for Q's 1 and 2 meaning there is therefore no increased threat from this performance indicator. However there remain outstanding appeal decisions
13. 8 out of the 10 non-major appeals determined in this quarter were dismissed representing 80% dismissed so far exceeding target.

Planning Enforcement

14. There were 111 reported enforcement breaches in the quarter, continuing the high numbers that started to be reported since the pandemic. This is common across the County and 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 the majority being householder applications which can give rise to a disproportionately higher incidence of enforcement complaints given the close proximity of residences. However the team has worked to reduce the older cases down and number of cases over 6 months is now down to 47 from 59 at the last quarter.

Registration

15. Table 2 shows performance in the time taken from receipt to registration of new applications. The performance was good for October and November but dipped in December and that may continue into January. This is due to the departure of two Officers in the TSU team in November, on the top of an existing vacancy. The latest recruitment attempt to fill this post was unsuccessful and so other options to resource the TSU team are being explored including temporary contract staff but such measures will not have an immediate positive impact, hence there may be a continued impact into January.

Other

16. In addition to the one Planning Officer on maternity leave, another Planning Officer departed after Christmas meaning the Case Officer team is down two Officers from its summer staffing level. Despite the lower number of applications in this quarter, two vacancies within the Case Officer team cannot be sustained without affecting performance and we have been seeking to recruit to this post as a result. Following interviews, one of the Planning Technicians was successful and we will now be looking to backfill a Technician post. This continues the internal development of Officers that has proved successful in recent years. In the meantime, we have employed an agency planner to provide over.
17. Finally, as reported at the December Full Council meeting, the Council's Tree Officer, Jim Mellor, tragically passed away last month. This has been a sad and difficult time for the planning team and has obviously affected performance of tree works applications. Following a recruitment campaign we have recruited a new Tree Officer who should start in around a month after his notice period.