

 <p>Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate</p>	TO:	PLANNING COMMITTEE
	DATE:	19 February 2020
	REPORT OF:	HEAD OF PLANNING
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AGENDA ITEM:	11	WARD: All

SUBJECT:	DEVELOPMENT MANAGEMENT Q3 PERFORMANCE
PURPOSE OF REPORT:	To inform members of the 2019/20 Q3 Development Management performance against a range of indicators
RECOMMENDATION:	To note the performance of Q3 of 2019/20

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 2019/20 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 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 ext of time)	Target	18/19	Q1	Q2	Q3
1	Major applications	60%	98%	100%	93%	75%
2	Non-major applications	70%	90%	86%	88%	91%
3	Average days to decision	73	77	73	95	73
	Appeals					
4	Appeals Received	-	81	31	21	18
5	Major Appeals Decided	-	8	0	2	2
6	Major Appeals Dismissed	70%	4 (50%)	-	1 (50%)	1 (50%)
7	Non-major appeals Decided	-	52	16	18	21
8	Non-major appeals Dismissed	70%	34 (65%)	9 (56%)	16 (88%)	15 (71%)
	Enforcement					
9	Reported Breaches Received		406	87	102	68
10	Cases Closed		451	76	120	90
11	On hand at end of period		128	139	120	116
12	Cases over 6 months old (no notice)		28	32	26	28
13	Priority 1 Enforcement cases investigated within 24 hours	100%	100%	100%	100%	100%
	Application Workload					
14	On hand at beginning		345	369	358	340
15	Received		1366	343	309	330
16	Determined		1302	335	348 314	315
17	On hand at end of period		372	366	343	335

Table 1 - Development Management performance

Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2.9	2.6	3.8	5.3	7.1	10	3.2	2.4	4.2	3.9	4.2	3	5.3	8	6.7	5.9	4.2

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

Reason for delay	Number
Awaiting submission of application	5
Awaiting outcome of application	4
Written in past month chasing information/regularisation	3
Open/ongoing prosecution	2
Awaiting Appeal	3
Expediency of harm be concluded with input from statutory consultees	1
Regularising works commenced but not yet complete	2
Chasing up of costs	2
Temporary Stop Notice Served	2
Awaiting planting of replacement tree	1
Delayed by probate	1
Awaiting compliance check	1
Service of Article 4 Direction awaited from Solicitors	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 were determined within the statutory period or within agreed extension of time and 91% of non-major applications. Whilst both represent a comfortable exceedance of Government and local performance targets and also the national average, the result of 75% major applications is lower than achieved in most quarters. However, it should be borne in mind that this represents 2 out of 8 applications determined outside the target period.
8. The average days to decision for Q2 was 95 days, missing the target of 73 days as reported at the time, due to being largely down to the higher than normal number of major (13 week) applications and the determination of several old cases. As expected the indicator has come back down to 73 days in this quarter, in line with the target.

Planning appeals

9. 18 appeals were received in the quarter, and 23 major/non-major appeals determined.
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 latestt period 73 applications were determined meaning 8 or more appeals allowed in the two year period to 31st 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 another major appeal has been allowed – Winscombe House in Kingswood which was a decision by Committee against Officer recommendation subsequently dismissed at appeal. However, the appellants

successfully challenged the decision of the Planning Inspectorate to dismiss the appeal which resulted in it being quashed. The appeal was re-determined and allowed, therefore still counting as an appeal overturn for performance measuring purposes.

12. The critical number of eight appeals allowed across the two years has not therefore been triggered but the situation remains under careful review. Given the larger number of non-major applications determined and their nature, the risk of designation on this basis is low.

Planning Enforcement

13. The enforcement performance statistics for Quarter 2 show a decrease in the number of reported breaches with a corresponding decrease in the number of cases closed.
14. Table 3 is intended to give a picture as to the reason for each of the 26 cases which remain open after 6 months. Many of these cases will have had action taken which is yet to take effect, such as temporary stop notices having been served or prosecution awaiting court proceedings.

Registration/Other

15. Table 2 shows that performance in the time taken from receipt to registration of new applications has remained relatively steady. Whilst the application workload (Table 1) shows a reduction in the number of applications on hand, with the number determined in Q2 corrected and this can be confirmed as the reason for the failure for the statistics to match up when last reviewed. This was due to a reporting error.