

 <p>Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate</p>	TO:	PLANNING COMMITTEE
	DATE:	10 June 2020
	REPORT OF:	HEAD OF PLANNING
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AGENDA ITEM:	11	WARD: All

SUBJECT:	DEVELOPMENT MANAGEMENT Q4 PERFORMANCE
PURPOSE OF REPORT:	To inform members of the 2019/20 Q4 Development Management performance against a range of indicators
RECOMMENDATION:	To note the performance of Q4 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 fourth quarterly report of the 2019/20 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 ext of time)	Target	18/19	Q1	Q2	Q3	Q4	19/20
1	Major applications	60%	98%	100%	93%	75%	91%	92%
2	Non-major applications	70%	90%	86%	88%	91%	75%	85%
3	Average days to decision	73	77	73	95	73	79	80
	Appeals							
4	Appeals Received	-	81	31	21	18	11	81
5	Major Appeals Decided	-	8	0	2	2	2	6
6	Major Appeals Dismissed	70%	4 (50%)	-	1 (50%)	1 (50%)	0 (0%)	2 (33%)
7	Non-major appeals Decided	-	52	16	18	21	10	65
8	Non-major appeals Dismissed	70%	34 (65%)	9 (56%)	16 (88%)	15 (71%)	7 (70%)	47 (72%)
	Enforcement							
9	Reported Breaches Received		406	87	102	68	84	341
10	Cases Closed		451	76	120	90	80	366
11	On hand at end of period		141	139	120	116	134	-
12	Cases over 6 months old (no notice)		-	32	26	28	29	-
13	Priority 1 Enforcement cases investigated within 24 hours	100%	100%	100%	100%	100%	(100%)	10%
	Application Workload							
14	On hand at beginning		345	369	358	340	336	369
15	Received		1366	343	309	330	351	1063
16	Determined		1302	335	348	314	315	1274
17	On hand at end of period		372	366	343	335	372	372
18	Withdrawn						5	-

Table 1 - Development Management performance

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
10	3.2	2.4	4.2	3.9	4.2	3	5.3	8	6.7	5.9	4.2	5.5	3.3	3.5

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

Reason for delay	Number
Awaiting submission of application	5
Awaiting outcome of application	5
Written in past month chasing information/regularisation	4
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

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 91% of major applications were determined within the statutory period or within agreed extension of time and this was maintained at 92% across the year. For non-major applications the figure is 75% for the quarter and 85% across the year. Both represent a comfortable exceedance of Government and local performance targets and also the national average.
8. The average days to decision for Q4 was 79 days, missing the target of 73 days and across the year, the target was missed with an average of 80 days to decision. This largely 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.

Planning appeals

9. 11 appeals were received in the quarter, and 81 across the year.
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 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 two major appeals were determined and both were allowed. Across the year 4 major appeals were allowed, the same as for 2018-19. At a total of 8 appeals across the two-year period, this is in danger of bringing the local planning authority perilously close to failing the Government's performance measure and risking special measures.

12. The two major appeals allowed this quarter were the Priory School, Banstead (Officer refusal) and Oakley Outdoor Centre, Merstham (Committee decision). The other two major appeals allowed across the year were as previously reported Bellway House, Merstham and Winscombe, Kingswood (both Committee decisions). Training for Officers and Members in making defensible decisions is therefore to be programmed.

Planning Enforcement

13. The enforcement performance statistics for Quarter 4 show a pick-up in the number of reported breaches from the previous quarter. The number of cases closed across the year exceeded those received, reflecting the higher number feeding through from the end of 18/19.
14. Table 3 is intended to give a picture as to the reason for each of the 29 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.

Covid-19

16. Quarter 4 was only slightly affected by Covid-19, with the lockdown being started on March 23rd. The full impacts are not therefore captured within this report and will be more evident in the first quarterly report of 2020/21.
17. It will undoubtedly affect the reported figures as the number of planning applications submitted has (anecdotally) decreased. Performance should be largely maintained as a respective number of staff have also been redeployed to assist other services. Remote working practices may also play some part although all essential functions of the service are still being undertaken, albeit differently, e.g. using photographic evidence in lieu of site inspections.
18. Anecdotally there has also been a pick-up in planning enforcement work, partly as a result of some people taking advantage of the lockdown to undertake unauthorized activities but also increased neighbor surveillance and time to report matters to the authority, including non-planning issues such as development commencing during lockdown or the absence of social distancing measures on site. The Government last week encouraged a relaxation of construction times for developers, suggesting they be allowed to continue to 9pm. This has also impacted enforcement resources, responding to such requests.