

 <b>Reigate &amp; Banstead</b> BOROUGH COUNCIL Banstead   Horley   Redhill   Reigate	TO:	PLANNING COMMITTEE
	DATE:	7 <sup>th</sup> February 2024
	REPORT OF:	HEAD OF PLANNING
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<b>AGENDA ITEM:</b>	9	WARD: All

<b>SUBJECT:</b>	<b>DEVELOPMENT MANAGEMENT Q3 2023-24 PERFORMANCE</b>
<b>PURPOSE OF REPORT:</b>	To inform members of the Q3 2023/24 Development Management performance against a range of indicators
<b>RECOMMENDATION:</b>	<b>To note the performance of Q3 2023/24</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 is the third quarterly report of the 2023/24 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**

	<b>Applications determined</b>	<b>Target</b>	<b>Q3</b>	<b>Q4</b>	<b>22/23</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>
1	Major applications	60%	100%	83%	90%	100%	83%	100%
2	Non-major applications	70%	84%	82%	82%	93%	93%	81%
3	Average days to decision	73	78	98	83	82	88	91
<b>Appeals</b>								
4	Appeals Received	-	13	23	62	16	22	17
5	Major Appeals Decided	-	-	4	5	0	2	1
6	Major Appeals Dismissed	70%	-	3 (75%)	4 (80%)	-	1 (50%)	1 (100%)
7	Non-major appeals	-	10	9	26	9	15	4
8	Non-major appeals Dismissed	70%	8 (80%)	6 (66%)	20 (76%)	4 (44%)	11 (73%)	4 (100%)
<b>Enforcement</b>								
9	Reported Breaches		111	135	483	110	99	87
10	Cases Closed		123	116	437	117	102	107
11	On hand at end of period		178	192	192	176	149	155*
12	Cases over 6 months old		47	45	45	44	40	43
13	Priority 1 Enforcement	100%	100%	100%	100%	100%	100%	100%
<b>Application Workload</b>								
14	Received		272 248 HH	316 251 HH	1290 1005 HH	320 219 HH	298 215 HH	299 183HH
15	Determined		308	261	1316	305	323	279
16	On hand at end of period		358	410	410	424	381	383
17	Withdrawn		9	13	41	16	20	11

**Table 1 - Development Management performance**

(\*this figure relates to cases on hand as of 24/01/24 rather than 31/12/23 due to system )

Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
3.1	4.5	5.0	2.8	3.1	7.3	10.0	7.3	10.8	12.3	8.2	5.6	8.3	5.8	3.8	5.9	7.8	9.1

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

<b>Reason for delay</b>	<b>Number</b>
Awaiting compliance check	1
Awaiting submission of application	11
Awaiting outcome of application	12
Written in past month chasing information/regularisation	1
Open/ongoing prosecution	1
Awaiting Appeal	11
Regularising works commenced but not yet complete	1
Chasing up of costs	1
Temporary Stop Notice Served	2
Awaiting planting of replacement tree	1
Delayed by probate	1

**Table 3 – Reason for enforcement investigation over 6 months**

## Planning applications

6. 299 planning applications (183 householder) were received in Q3 which is similar to Q2 but higher than the same quarter last year. The nationally-set planning application fees were increased on 6<sup>th</sup> December 2023 (by 35% for majors and 25% for others) and so there was some expectation that applications would be submitted ahead of this date although that remains to be seen. As reported previously, the Case Officer team resources have remained impacted by one vacancy and one maternity absence, meaning the reduction in submissions has not resulted in a significant reduction in caseloads per Officer. The Planning Officer vacancy has now been filled whilst there was also success in securing £60,000 from Government funding to assist with application processing which may allow an additional temp contractor to be employed.
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 the time indicator for both majors and non-majors was comfortably met at 100% and 81% respectively although the average days to decision for this quarter was above target, at 91 days, demonstrating the impact of extensions of time (discussed later).

## Planning appeals

9. 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 65 major applications were determined meaning 7 or more appeals allowed in the two year period to 31<sup>st</sup> December 2023 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.

10. In this last quarter one major appeal was determined, that being for the Sandcross Lane Sustainable Urban Extension. The appeal was dismissed, although the applicants are seeking to challenge the Planning Inspectorate's dismissal on a number of grounds, meaning that the decision could be quashed and would fall to be redetermined. Given the significance of the application to the Council, we will be assisting the Secretary of state in defending the legal challenge. There is therefore currently no change to the number of allowed appeals across the last two years from 2, so not immediately risking the trigger of the poor performance criteria but important to be aware of nonetheless.
11. 4 minor appeals were determined of which all 4 were dismissed. None of the 4 applications appealed had related to decisions of the Planning Committee.

### **Planning Enforcement**

12. There were 87 reported enforcement breaches in the quarter, which is a reduction from previous quarters and is closer to the historic norm. This again saw more cases closed than received, with a reduction in the numbers on hand, including those over 6 months.

### **Registration**

13. Table 2 shows performance in the time taken from receipt to registration of new applications. The 9.1 days taken in December reflects delays associated with the holiday period and a vacancy in the support team which has now been filled.

### **Other**

14. The Government published its updated version of the National Planning Policy Framework (NPPF) in December 2023. Whilst there are some minor changes relating to decision making, such as giving significant weight to energy efficiency proposals, increasing emphasis on beauty and supporting the principle of mansard roofs; the majority of the updates relate to plan-making functions. However, the Secretary of State's written ministerial statement supporting the publication also outlined plans for a new local authority performance dashboard to be introduced this year with application determination timescales published to exclude extensions of time. The degree to which extensions of time are agreed with applicants will often indicate the degree of negotiation, amendment and improvement in the process which should not necessarily be discouraged. The Statement also indicates an intention to increase scrutiny by Government on those applications which are dismissed by a Planning Committee, contrary to Officers' recommendations and are subsequently allowed at appeal, together with a review to be undertaken to investigate the role of statutory consultees in the process and the degree to which the delays caused by these can be reduced. As and when further details and information is published about these performance measures, the Committee will be updated.