

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ECONOMIC GROWTH & NEIGHBOURHOOD SERVICES

TO:	PLANNING APPLICATIONS COMMITTEE		
DATE:	1 JUNE 2022		
TITLE:	ANNUAL PERFORMANCE MONITORING REPORT - DEVELOPMENT MANAGEMENT SERVICE - 2021/22		
SERVICE:	PLANNING	WARDS:	BOROUGHWIDE
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1. PURPOSE AND SUMMARY OF REPORT

- 1.1 The purpose of this report is to provide information on how the Planning Service has performed over the past year in terms of meeting government set targets for dealing with planning applications, success at planning appeals and other measures.
- 1.2 Detail on the types of applications handled and other services provided is also presented for the year 1 April 2021 - 31 March 2022.

2. RECOMMENDED ACTION

- 2.1 That the contents of the report be noted.

3. BACKGROUND

- 3.1 The existing approach to measuring the performance of Local Planning Authorities (LPA.s), introduced by the Growth and Infrastructure Act 2013, is based on a LPA.s performance on the speed of determining applications and the quality of their decisions. The Department for Levelling Up, Housing and Communities (DLUHC) collates data from LPA.s to enable performance tables to be published on a quarterly basis. LPA.s are at risk of being designated as “underperforming” if targets are not met over the preceding 24 months. This would allow applicants to have the option of submitting their applications directly to the Planning Inspectorate (who act on behalf of the Secretary of State) for determination.
- 3.2 The criteria for designation as “underperforming” are:
 - a. For applications for major development: less than **60 per cent** of an authority’s decisions made within the statutory determination period or such extended period as has been agreed in writing with the applicant;
 - b. For applications for non-major development: less than **70 per cent** of an authority’s decisions made within the statutory determination period or such extended period as has been agreed in writing with the applicant.
 - c. For applications for both major and non-major development, above which a local planning authority is eligible for designation, is **10 per cent** of an authority’s total number of decisions on applications made during the assessment period being overturned at appeal.

4. PERFORMANCE AGAINST DLUHC TARGETS

Speed

- 4.1 Once a planning application has been validated, the local planning authority should make a decision on the proposal within the statutory time limits set by DLUHC unless a longer period is agreed in writing with the applicant. The statutory time limits are normally 13 weeks for applications for major development (when an application is subject to an Environmental Impact Assessment a 16 week limit applies) and 8 weeks for all other types of development.
- 4.2 However, local planning authorities can agree with the applicant to extend the time limit (sometimes with a Planning Performance Agreement or a simple extension of time) for all types of planning applications, including householder applications. Typically, this has been the route taken in Reading with officers and applicants preferring to negotiate a better outcome than simply refusing a planning application because the time is running out. This also deals with the concept of “the Planning Guarantee” which requires the planning application fee to be refunded to applicants where no decision has been made within 26 weeks, unless a longer period has been agreed in writing between the applicant and the local planning authority. (Regulation 9A of the 2012 Fees Regulations).
- 4.3 The Council’s performance on speed of determination of planning applications as shown in the most recently published (25 March 2022) PS2 (Planning Application Statistics) for performance in 2021/2022 is shown as:
- 86% of major development applications within the statutory determination period or an agreed extended period.
 - 85% of all non-major development applications within the statutory determination period or an agreed extended period.

Quality

- 4.4 It is disappointing that the quality of decisions made by local planning authorities is measured only by the proportion of all decisions on applications that are subsequently overturned at appeal. The threshold for designation on applications for both major and non-major development, above which a local planning authority is eligible for designation, is 10 per cent of an authority’s total number of decisions on applications made during the assessment period being overturned at appeal. We had 4 appeals allowed so performance was 0.5% of all decisions made being overturned.

Overall

- 4.5 I am therefore pleased to report that while this year continued to be a challenge the team have welcomed coming back to the office more often and getting out on site. We have dealt with some very significant major cases and a batch of public inquiries which have engaged and stretched a number of staff to extraordinary levels of work leaving colleagues to help out with cases. It has been a true team effort that has allowed the Planning Service to still perform well and meet DLUHC’s performance criteria.

5. PLANNING APPLICATION PERFORMANCE & INFORMATION ON OTHER SERVICES

- 5.1 The following Table 1 provides a breakdown on the types of planning applications handled with a comparison with preceding years. Previous reports have provided data on the split between applications determined within 8 and 13 weeks and those determined with an extension of time. However, this no longer considered relevant as it clear that going beyond the statutory date is acceptable as long as it is by agreement with the LPA and the applicant.
- 5.2 As can be seen the number of applications decided in 2021/22 has dropped on all types of applications when compared to previous years.

Table 1: Application Performance in 2021/22 compared with previous years.

Description	MCHLG 2019 Target	18-19	19/20	20/21	21/22
Number and Percentage of major applications decided within statutory 13 weeks or an extended period agreed by the applicant.	60%	33 97%	22 100%	15 88%	25/29 86%
Number and Percentage of all other minor applications decided within statutory 8 weeks or an extended period agreed by the applicant.	70%	200 90%	178 86%	150 78%	150/179 84%
Number and Percentage of other applications (including householder applications) decided within statutory 8 weeks or an extended period agreed by the applicant.	70%	652 94%	528 90%	445 89%	471/554 85%
Total decisions issued		885	728	610	762
Number and Percentage of householder applications (not for prior approval) decided within statutory 8 weeks or an extended period agreed by the applicant.	70%	446 94%	342 84%	297 88%	377/438 86%

- 5.3 Table 2 below sets out the number of Prior Approval applications processed and our performance on those applications for householder and office to residential developments. The high performance on these types of application reflects the fact that if prior approval applications are not decided within the prescribed 42 or 56 days approval is given by default.

Table 2: Prior Approval Performance

Indicator	2018/19	2019/20	2020/21	2021/22
Number of (and performance on) all Prior Approval applications	90 96% in time	60 96% in time	90 97% in time	99 92% in time
Number of Householder Prior Approvals	59	34	40	44 84% in time
Number of Office to residential Prior Approvals	26	14	17	30 97% in time

- 5.4 The Council also receives requests for pre-application advice, for approval of details required to discharge of conditions attached to planning permissions and for approval of works to trees covered by Tree Preservation Orders and in trees in Conservation Areas. Table 3 shows the number of each type of application received over the last 3 years.

TABLE 3: No. of applications received including those for miscellaneous development management advice or approval.

	2018/19	2019/20	2020/21	2021/22

All types of applications	2217	2005	1168	1320
Pre-application advice	180	166	166	134
Approval of details required by condition, ADJ, NMA, EIA SCO and SCR.	450	338	260	299
Works to TPO/CA trees	204	216	246	254
Total	3051	2725	1840	2007

5.5 Applications submitted across the board have reduced in number when compared to previous years apart from those for works to protected trees.

6. PLANNING APPEALS

6.1 The information on appeals (para 4.5 above) shows that performance in defending decisions to refuse continues to be well within target. The following table provides further detail for the past 3 years.

6.2 The appeal performance in terms of appeals dismissed (meaning the reasons for refusing permission were upheld) dropped from last year's rate (from 87% to 79%) but is higher than the 2 previous years. The eOfficer recommendations to refuse permission are scrutinised to ensure the reasons for refusal can be defended. Appeal statements are also checked to ensure that a robust defence of the decision is presented.

TABLE 4: Section 78 Appeals against the refusal of planning permission

	2018/19	2019/20	2020/21	2021/22
APPEALS LODGED	41	50	30	26
NUMBER OF APPEAL DECISIONS	37	47	31	19
APPEALS ALLOWED	11 (30%)	11 (23%)	4 (12.9%)	4 (21%)
APPEALS DISMISSED	26 (70%)	35 (75%)	27 (87%)	15 (79%)
SPLIT DECISIONS	0	0	0	0
APPEALS WITHDRAWN	0	1	0	0

7. PLANNING ENFORCEMENT

7.1 The Planning Enforcement Service has one corporate performance indicator, which is to resolve complaints within the relevant target period identified for different types of complaint in the Council's Enforcement Plan. Performance against this indicator for 2021/22 was much improved from 2020/21 with 64% of enforcement complaints being resolved within 13 weeks of receipt against a target of 60%.

7.2 Table 5 below provides more detailed information on cases received and enforcement activity during 2021/22 compared to previous years. During the year the planning enforcement team closed 70 cases of the complaints registered but there is a backlog to close from 2020/2021. Performance is recovering from the covid restrictions and staff shortages when priority was given to visiting rather than the administrative task of closing cases. A new member of staff joined the team in January 2022 and it is expected that the backlog will reduce and the report on enforcement activity by wards will resume.

TABLE 5: Planning Enforcement statistics

	2018/19	2019/20	2020/21	2021/22
Total number of enforcement cases received	285	228	204	216
No. of cases closed	276	221	33	70
No. of cases on hand at end of year	190	200	367	501
Enforcement notices	6	8	1	0
Planning contravention notices	6	6	1	2
Breach of condition notices	2	0	0	0
Section 215 notices	0	4	0	0
Listed Building Enforcement notice	0	0	0	0
Temp Stop Notice	0	0	0	0
Stop Notice	0	0	0	0
Appeals against enforcement notices	4	3	2	5
New enforcement prosecutions	0	0	0	0

8. PLANNING FEE INCOME

8.1 The following tables show how the income to the planning service has been impacted by the pandemic with a 21% drop in income when compared to the previous year. Year 21/22 shows the fees picking up again with a significant boost in March.

TABLE 6: Approx. planning fees

	19/20 £	20/21 £	21/22 £	% change 20/21 – 21/22
April	86,650	31,290	94,786	+203%
May	68,090	55,834	37,998	-32%
June	73,898	73,320	75,131	+2%
July	63,039	55,461	60,799	+9%
August	60,405	69,795	44,928	-35%
September	45,627	71,376	78,327	+9%
October	59,373	63,048	56,354	-10%
November	76,094	45,485	67,901	+49%
December	181,712	81,210	74,645	-8%
January	72,341	38,380	34,439	-10%
February	95,841	77,794	67,207	-13%
March	37,581	63,280	122,649	+93%
Totals	920,651	726,273	815,164	+12%

TABLE 7: Income and applications submitted broken down by Quarters

19/20	Fee £	Majors	Minors	Others	Total MMO
Q1 April - June	228,638	9	75	170	254
Q2 July - September	169,071	7	71	153	231
Q3 October - December	317,179	11	69	142	222
Q4 January - March	205,763	5	67	155	227
Totals	920,651	32	282	620	934
20/21	Fee £	Majors	Minors	Others	Total MMO
Q1 April - June	160,444	3	53	117	173
Q2 July - September	196,632	7	50	145	202
Q3 October - December	189,743	15	65	161	241
Q4 January - March	179,454	8	69	162	239
Totals	726,273	33	237	585	855
21/22	Fee £	Majors	Minors	Others	Total MMO
Q1 April - June	207,915	6	52	150	206
Q2 July - September	184,054	10	54	170	234
Q3 October - December	198,900	5	38	129	172
Q4 January - March	224,295	7	35	105	147
Totals	815,164	28	179	554	759

9. COMMITMENTS MONITORING

- 9.1 Although not amongst the government-set targets for performance of the Planning service, it is worth also reporting on the results of the annual commitments monitoring exercise, which will be published by the end of May. This monitors the progress of planning permissions for residential and non-residential development and forms the basis for returns on housing delivery to government.

TABLE 8: Results of Commitments Monitoring 2021-22

Type of development	Newly permitted 21-22	Not started at 31/03/22	Under construction at 31/03/22	Completed 21-22
Residential (net change)	2,367 homes		2,519 homes	850 homes
Non-residential floorspace total	47,404 sq m	410,853 sq m	18,234 sq m	8,085 sq m

10. CONTRIBUTION TO STRATEGIC AIMS

- 10.1 The processing of planning applications contributes to creating a sustainable environment with active communities and helping the economy within the Borough as identified as the themes of the Council's Corporate Plan:

1. Healthy Environments
2. Thriving Communities
3. Inclusive Economy

11. COMMUNITY ENGAGEMENT AND INFORMATION

- 11.1 Statutory consultation takes place on planning applications and appeals and this can influence the speed with which applications and appeals are decided. Information on development management performance is publicly available.

12. EQUALITY IMPACT ASSESSMENT

12.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

12.2 In terms of the key equalities protected characteristics, it is considered that the development management performance set out in this report has no adverse impacts.

13. ENVIRONMENTAL AND CLIMATE IMPLICATIONS

13.1 The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers).

13.2 The Planning Service plays a key part in mitigating impacts and adapting building techniques with adopted policies to encourage developers to build and use properties responsibly, by making efficient use of land, using sustainable materials and building methods.

14. LEGAL IMPLICATIONS

14.1 The collection and monitoring of performance indicators is a statutory requirement and a requirement of MHCLG. In addition, a number of the work related programmes referred to in this report are mandatory requirements including the determination of planning applications and the preparation of the development plan.

15. FINANCIAL IMPLICATIONS

15.1 There are no direct financial implications arising from this report although we welcome the commitment in the Levelling Up and Regeneration Bill to increase application fees which will help to better resource the planning service.