

Planning Applications Committee

31 May 2023



Reading
Borough Council

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Title	ANNUAL PERFORMANCE REPORT - PLANNING & BUILDING CONTROL
Purpose of the report	To note the report for information
Report status	Public report
Report author	Julie Williams, Development Manager (Planning & Building Control)
Lead councillor	Councillor Micky Leng, Lead Councillor for Planning and Assets
Corporate priority	Inclusive Economy
Recommendations	The Committee is asked: 1. To note the report.

1. Executive summary

- 1.1. To advise Committee on the work and performance of the Planning Development Management team, the Planning Enforcement team, the Planning Policy team and Building Control team over the last year April 2022 to March 2023 with comparison to previous years.

2. Policy context

- 2.1. The Council's new Corporate Plan has established three themes for the years 2022/25. These themes are:
- Healthy Environment
 - Thriving Communities
 - Inclusive Economy
- 2.2. These themes are underpinned by "Our Foundations" explaining the ways we work at the Council:
- People first
 - Digital transformation
 - Building self-reliance
 - Getting the best value
 - Collaborating with others
- 2.3. Full details of the Council's Corporate Plan and the projects which will deliver these priorities are published on the [Council's website](#). These priorities and the Corporate Plan demonstrate how the Council meets its legal obligation to be efficient, effective and economical.

3. Planning Development Management team

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 an 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 a decision.

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.

Speed

3.3 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.

3.4 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. 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).

Quality

3.5 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 9 appeals allowed out of 750 decisions meaning that only 1.2% were overturned at appeal.

Decisions Issued

3.6 The following Table 1 provides a breakdown on the decisions issued and how many were within the statutory timeframe or an agreed extended timeframe for the different types of planning applications handled. Data for preceding years provided for comparison.

Table 1: Application Performance in 2022/23 compared with previous years.

Description	DLUHC Target	19/20	20/21	21/22	22/23
Number and Percentage of major applications decided within statutory 13 weeks or an extended period agreed by the applicant.	60%	22 100%	15 88%	25/29 86%	13/15 86%
Number and Percentage of all other minor applications decided within statutory 8 weeks or an extended period agreed by the applicant.	70%	178 86%	150 78%	150/179 84%	145/196 74%
Number and Percentage of other applications (including householder applications) decided within statutory 8 weeks or an extended period agreed by the applicant.	70%	528 90%	445 89%	471/554 85%	404/539 75%
Total decisions issued		728	610	762	750
Number and Percentage of householder applications (not for prior approval) decided within statutory 8 weeks or an extended period agreed by the applicant.	70%	342 84%	297 88%	377/438 86%	287/386 74%

- 3.7 The number of applications decided in 2022/23 has dropped for all types of applications when compared to previous years. This was anticipated over the year with staff turnover and recruitment being a challenge in Q1 & Q2 but Table 1a below shows how performance has improved in the last two quarters of the year significantly to allow the team to stay above targets set for all categories of planning applications over the year. The team are confident that the high level of performance can be maintained into 2023/2024.

Table 1a: Application Performance by quarters in 2022/2023

Description	DLUHC Target	Q1 Apr-Jun	Q2 Jul-Sept	Q3 Oct-Dec	Q4 Jan-Mar
Major	60%	0/1 0%	5/5 100%	3/4 75%	5/5 100%
Minor	70%	35/57 61%	35/50 70%	37/44 84%	38/45 84%
Other	70%	89/144 62%	60/111 54%	138/156 88%	117/128 91%
Householders	70%	65/108 60%	39/77 51%	102/114 89%	81/87 93%

Prior Approval Performance

- 3.8 Table 2 below sets out the number of Prior Approval applications processed and the DM team performance on this type of application for householder and office to residential developments. The high performance on this type 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	19/20	20/21	21/22	22/23
Number of (and performance on) all Prior Approval applications	60 96%	90 97%	99 92% in time	78 98% in time
Number of Householder Prior Approvals	34	40	44 84% in time	26 100% in time
Number of Office to residential Prior Approvals	14	17	30 97% in time	19 100% in time

Other types of applications received

3.9 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 4 years.

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

	19/20	20/21	21/22	22/23
All types of applications	2005	1168	1320	1100
Miscellaneous				
Pre-application advice	166	166	134	151
Approval of details required by condition, ADJ, NMA, EIA SCO and SCR * See key below.	338	260	299	304
Works to TPO/CA trees	216	246	254	208
Total	2725	1840	2007	1763

ADJ - Adjacent Authority Consultation
 NMA – Non-Material Amendment
 EIA – Environmental Impact Assessment
 SCO – Scoping Opinion
 SCR - Screening Opinion
 TPO – Works to trees with Tree Preservation Orders
 CA – Works to trees in Conservation Areas

Comments

3.10 The start of 2022/2023 was a challenge with a new team restructure and recruitment of new staff impacting on performance. However, the new structure has now settled in with all staff, existing and new, pulling together well to make the improvements needed to allow the Planning Development Management team to perform better for our customers and meet DLUHC’s performance criteria.

Planning Appeals

3.11 The information on appeal performance measures (para 3.5 above) confirms that while appeal performance in terms of appeals dismissed (meaning the reasons for refusing permission were upheld) dropped to 66% in 2022/23 overall the allowed decisions as a percentage of all applications

decided remained below 10% so continued to be within target. The following table 4 provides further detail for the past 4 years.

- 3.12 When officers or Planning Applications Committee decide to refuse planning permission the reasons for doing so are scrutinised to ensure that reasons for refusal are substantiated by reference to Local Plan policies and other material planning considerations. Appeal statements are also checked to ensure that a robust defence of the decision is presented. However, we are at the whim of the Inspectorate after that.

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

	19/20	20/21	21/22	22/23
APPEALS LODGED	50	30	26	24
NUMBER OF APPEAL DECISIONS	47	31	19	29
APPEALS ALLOWED	11 (23%)	4 (12.9%)	4 (21%)	9 (31%)
APPEALS DISMISSED	35 (75%)	27 (87%)	15 (79%)	19 (66%)
SPLIT DECISIONS	0	0	0	0
APPEALS WITHDRAWN	1	0	0	1

4 Planning Enforcement

- 4.1 The Planning Enforcement Team are now part of the Public Protection service and with regular weekly meetings with senior planners and legal assistance they are starting to see an improvement in how enforcement enquiries are registered and how quickly and effectively the team can take appropriate action. It is anticipated that we will have the new Principal Planning Enforcement Officer appointed within the next 4 weeks. We have secured technical support for the team so that officers can focus on undertaking enforcement visits and investigations. There is further recruitment pending for the vacant Senior Planning enforcement and enforcement officer roles for the team.
- 4.2 Table 5 below provides detailed information on actionable cases received and enforcement activity during 2022/23 compared to previous years. Many more enforcement enquiries are received that do not require or justify action being taken. Table 6 sets out the number of enforcement cases open by ward.

TABLE 5: Planning Enforcement statistics

Range of work carried out	19/20	20/21	21/22	22/23
No. of enforcement cases received and under investigation	228	204	216	172
No. of cases closed	221	33	70	117
No. of cases on hand at end of year	200	367	501	554

Enforcement notices	8	1	0	0
Planning contravention notices	6	1	2	3
Breach of condition notices	0	0	0	1
Section 215 notices	4	0	0	0
Listed Building Enforcement notice	0	0	0	0
Temp Stop Notice	0	0	0	1
Stop Notice	0	0	0	0
Appeals against enforcement notices	3	2	5	0
New enforcement prosecutions	0	0	0	0

TABLE 6: Pending Planning Enforcement investigation cases by ward

Pending Enforcement Cases by Ward	Investigation cases 2022/23	Total Pending
Abbey	18	89
Battle	8	40
Caversham	13	33
Caversham Heights	10	23
Church	8	34
Coley	7	30
Emmer Green	2	26
Katesgrove	12	65
Kentwood	4	29
Norcot	3	23
Park	8	45
Redlands	18	61
Southcote	2	9
Thames	2	15
Tilehurst	5	13
Whitley	2	19
Total	122	554

8. Planning fee income

- 8.1 The following tables 7 & 8 show fee income to the planning service from Major, Minors and Other applications. The impact of uncertainty during the pandemic can be seen in 20/21 with a 21% drop in income when compared to the previous year. Year 21/22 saw some recovery, but this has not been sustained over the past year.
- 8.2 Officers are looking towards an increase in planning application fees to help improve income, as referred to in the report on fee increase proposals presented to PAC on 30 March 2023. As identified by the government's own research the planning application fee represents a small element of the overall cost of the majority of building projects, so it is hoped that developers are not deterred from putting forward applications should the fees be increased later this summer.

TABLE 7: planning fees from majors, minors and others showing % change for 22/23

	19/20 £	20/21 £	21/22 £	22/23 £	% change 21/22 - 22/23
April	86,650	31,290	94,786	18,384	-80%
May	68,090	55,834	37,998	23,352	-38%
June	73,898	73,320	75,131	147,460	96%
July	63,039	55,461	60,799	16,590	-72%
August	60,405	69,795	44,928	97,512	117%
September	45,627	71,376	78,327	105,194	34%
October	59,373	63,048	56,354	26,624	-52%
November	76,094	45,485	67,901	24,371	-64%
December	181,712	81,210	74,645	171,694	130%
January	72,341	38,380	34,439	15,674	-54%
February	95,841	77,794	67,207	21,578	-67%
March	37,581	63,280	122,649	65,270	-46%
Totals	920,651	726,273	815,164	733,703	-9%

TABLE 8: Income and applications for Major, Minor, Others 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
22/23	Fee £	Majors	Minors	Others	Total MMO
Q1 April - June	189,196	7	55	147	209
Q2 July - September	219,296	13	44	154	211
Q3 October - December	222,689	7	46	148	201
Q4 January - March	102,522	5	52	127	184
Totals	733,703	32	197	576	805

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 9 provides the results of the latest exercise.

9.2 The headlines around residential development are that 2022-23 has seen strong figures for housing supply:

- A net gain of 888 homes have been completed, well above the Local Plan target of 689, and an increase from the already high level of 850 in 2021-22;
- The number of homes under construction, 2,163, although reduced from 2021-22, is higher than any other recorded year prior to 2021;
- The number of new permissions is significantly lower than 2021-22 and the majority of this is 80 Caversham Road, but last year's figures were unusually high and this is not considered to represent particular cause for concern.

TABLE 9: Results of Commitments Monitoring 2022-23

Type of development	Newly permitted 22-23	All permitted & not started at 31/03/23	Under construction at 31/03/23	Completed 22-23
Residential (net change)	802 homes	3,881 homes	2,163 homes	888 homes
Non-residential floorspace total (net change)	20,275 sq m	381,902 sq m	60,668 sq m	465 sq m
B2 (general industrial) (net change)	-4,181 sq m	29,579 sq m	0 sq m	-586 sq m
B8 (storage and distribution) (net change)	0 sq m	322 sq m	0 sq m	-3,213 sq m
C1 (hotel) (net change)	-259 sq m	60,074 sq m	692 sq m	-500 sq m
C2 (residential institution) (net change)	357 sq m	39,751 sq m	328 sq m	3,047 sq m
E (commercial, business and service) (net change)	18,740 sq m	161,932 sq m	21,077 sq m	-7,115 sq m
F1 (learning and non-residential institution) (net change)	11,980 sq m	4,636 sq m	16,487 sq m	-273 sq m
F2 (local community) (net change)	-692 sq m	45,905 sq m	6,432 sq m	3,570 sq m
Sui generis (net change)	-5,670 sq m	39,703 sq m	15,652 sq m	5,535 sq m

9.3 There are fewer clear headlines about non-residential development, which can vary significantly from year to year. In terms of completions, the overall net change in floorspace is very small, with losses of commercial (mainly offices) and storage and distribution uses and gains of residential institutions, local community and sui generis uses. Further detail can be provided on request.

10. Building Control

- 10.1 The team is served by 3 permanently employed technical support officers who are all studying for an LABC Level 3 Certificate in Technical Support for Building Control. There is also 1 permanently employed senior surveyor plus two part time agency contracted surveyors. Recruitment is currently taking place for a Building Control Team Leader and 2 trainee building control surveyors. The service has also engaged with LABC to take on a seconded trainee surveyor later this year. The aim is to develop the team to provide a competent and effective service providing expert support for corporate projects and private developers and to compete with Approved Inspectors (AIs) wherever we can.
- 10.2 Table 10 shows the case load as submitted for the relevant quarters for this year 22/23 and the totals for last year. Unlike planning permission, there are different ways to gain building regulation approval and external approved inspectors can also be used. The approval rates for applications within statutory timeframes has greatly improved compared to last year. The issuing of completion notices also increased over the last 2 quarters of the year. Fee income is holding steady compared to the previous year. The market share of applications with Approved Inspectors is concerning dropping from a 55(BC)/45(AI)% split in 2021/2022 to a 45(BC)/55(AI)% split this year.

TABLE 10: Building Control work.

Indicator	2021/2022	Q1 2022/ 2023	Q2	Q3	Q4	2022/2023
Dangerous structures attended Non fee work	26	5	4	7	11	27
Inspections carried out	1108					1629
Building Control applications submitted	442	97	92	140	64	393
Applications approved within 5 & 8 weeks Statutory limits	251/442 56%	85/97 96%	88/92 96%	137/140 98%	44/44 100%	354/373 95%
Number of completion certificates issued	245	24	13	89	108	234
Fee income	£281,866	£70,670	£62,044	£77,487	£69,597	£279,798
Non Fee Work - AI Initial Notices	323	131	65	124	43	363

11. Contribution to strategic aims

- 11.1 The processing of planning applications and associated work (trees, conservations areas and listed buildings) and building control activities contribute to creating a healthy environment with thriving communities and helps the economy within the Borough, identified as the themes of the Council's Corporate Plan in Section 2 of this report.

12. Community engagement

- 12.1 Statutory consultation takes place on most planning applications and appeals. The Council's website also allows the public to view information submitted and comments on planning applications and eventually the decision reached. There is also information on policy matters and the and this can influence the speed with which applications and appeals are decided. Information on development management performance is publicly available.

13. Equality impact assessment

- 13.1 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.
- 13.2 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.

14. Environmental and climate implications

- 14.1 The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers).
- 14.2 The Planning & Building Control and Planning Policy Services play a key part in mitigating impacts and adapting building techniques using adopted policies to encourage developers to build and use properties responsibly, making efficient use of land, using sustainable materials and building methods.

15. Legal implications

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

16. Financial Implications

- 16.1 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.