

# Planning Applications Committee

29 May 2024



**Reading**  
Borough Council  
*Working better with you*

<b>Title</b>	<b>ANNUAL PERFORMANCE REPORT - PLANNING DEVELOPMENT MANAGEMENT, COMMITMENTS MONITORING BY PLANNING POLICY and BUILDING CONTROL.</b>
<b>Purpose of the report</b>	To note the report for information
<b>Report status</b>	Public report
<b>Report author</b>	Julie Williams, Development Manager (Planning & Building Control)
<b>Lead councillor</b>	Councillor Micky Leng, Lead Councillor for Planning and Assets
<b>Corporate priority</b>	Inclusive Economy
<b>Recommendations</b>	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, commitments monitoring by the Planning Policy team and the work of the Building Control team over the last year April 2023 to March 2024 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 current approach for 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 is provided for comparison.

**TABLE 1: Application Performance in 2023/24 compared with previous years.**

Description	DLUHC Target	20/21	21/22	22/23	23/24
Number and Percentage of major applications decided within statutory 13 weeks or an extended period agreed with the applicant.	60%	15 88%	25/29 86%	13/15 86%	20/20 100%
Number and Percentage of minor applications decided within statutory 8 weeks or an extended period agreed with the applicant.	70%	150 78%	150/179 84%	145/196 74%	145/159 91%
Number and Percentage of other applications (including householder applications) decided within statutory 8 weeks or an extended period agreed with the applicant.	70%	445 89%	471/554 85%	404/539 75%	377/417 90%
<b>Total decisions issued</b>		<b>610</b>	<b>762</b>	<b>750</b>	<b>596</b>
Number and Percentage of householder applications (not for prior approval) decided within statutory 8 weeks or an extended period agreed with the applicant.	70%	297 88%	377/438 86%	287/386 74%	269/295 91%

- 3.7 Table 1 shows that the number of planning applications (includes listed building consent, advertisement consent and lawful development certificates) decided overall dropped again in 2023/24 when compared to previous years. It may be recalled that last year (22/23) the planning teams were coping with staff losses but with the teams better resourced and stable they have been able to deal with applications better to achieve excellent performance in decision making. In my quarterly reports we had seen performance was improving in 2023 and Table 1a shows the teams worked consistently well over the year and dealt with a growth in minor applications in Q3 & 4.
- 3.8 The team are aware of changes on the horizon to limit the use of agreed extended time periods and are adapting processes and advising customers that we will have to be less flexible by refusing unacceptable schemes if it is not possible to make them acceptable in time.

**TABLE 1a: Application Performance by quarters in 2023/2024**

Description	DLUHC Target	Q1 Apr-Jun	Q2 Jul-Sept	Q3 Oct-Dec	Q4 Jan-Mar
Major	60%	7/7 100%	4/4 100%	5/5 100%	4/4 100%
Minor	70%	29/32 91%	29/35 83%	48/52 92%	39/40 98%
Other	70%	110/119 92%	90/102 88%	85/92 92%	92/104 88%
Householders	70%	82/88 93%	61/69 88%	59/64 92%	67/74 91%

## Prior Approval Performance

3.10 Table 1b 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. The table illustrates that while prior approval remains popular for householders it is less so for all other types and might indicate that our Article 4 direction restricting changes from commercial to residential is taking effect

**TABLE 1b: Prior Approval Performance**

Indicator	20/21	21/22	22/23	23/24
<b>Number (and % in time) for all Prior Approval applications</b>	90 (97%)	99 (92%)	78 (98%)	51 (92%)
<b>Number of Householder Prior Approvals (% in time)</b>	40	44 (84%)	26 (100%)	24 (83%)
<b>Number of Office to residential Prior Approvals</b>	17	30 (97%)	19 (100%)	8 (100%)

### Other types of applications

3.11 In addition to planning applications the Council also receives requests for pre-application advice, plus a variety of other applications and approval for works to trees covered by Tree Preservation Orders and to trees in Conservation Areas. Table 1c shows the number of each type of application received over the last 4 years and a key.

**TABLE 1c: No. of applications received (including miscellaneous approvals or advice)**

	20/21	21/22	22/23	23/24
<b>All types of applications</b>	1168	1320	1100	1176
<b>Miscellaneous</b>				
<b>Pre-application advice</b>	166	134	151	141
<b>Approval of details required by condition, ADJ, NMA, EIA SCO and SCR * See key below.</b>	260	299	304	299
<b>Works to TPO/CA trees</b>	246	254	208	238
<b>Total</b>	1840	2007	1763	1854

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

#### 4. Planning fee income

4.1 The following tables (2 & 2a) show fee income to the planning service from Major, Minors and Other applications. The impact of the pandemic was seen in 20/21 with a 21% drop in income when compared to the previous year but then 21/22 saw some encouraging recovery. However, this has not been sustained over the last two years with a drop in applications being submitted. This drop has been seen by many local authorities across the country.

4.2 There was a national increase for planning application fees in November 2023 and Table 4 shows how this improved the average monthly income, but we are still below that of previous years. It is notable how one significant full major application can boost income, as in February when we received the planning application to redevelop Broad Street Mall (reference 240173).

**TABLE 2: planning fees from majors, minors and others showing % change for 23/24**

	20/21 £	21/22 £	22/23 £	23/24 £	% change 22/23 - 23/24
April	31,290	94,786	18,384	22,308	21%
May	55,834	37,998	23,352	83,355	256%
June	73,320	75,131	147,460	53,145	-63%
July	55,461	60,799	16,590	52,607	217%
August	69,795	44,928	97,512	21,751	-77%
September	71,376	78,327	105,194	51,536	-51%
October	63,048	56,354	26,624	18,983	-28%
November	45,485	67,901	24,371	23,944	-2%
December	81,210	74,645	171,694	28,958	-83%
January	38,380	34,439	15,674	16,203	3%
February	77,794	67,207	21,578	170,814	691%
March	63,280	122,649	65,270	52,808	-19%
<b>Totals</b>	<b>726,273</b>	<b>815,164</b>	<b>733,703</b>	<b>596,412</b>	<b>-18%</b>
<b>Average per month</b>	<b>£60k</b>	<b>£68k</b>	<b>£61k</b>	<b>Pre Nov £43k Post Nov 59k</b>	

**TABLE 2a: Income and applications for Major, Minor, Others submitted by Quarters**

20/21	Fee £	Majors	Minors	Others	Total MMO.s
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
<b>Totals</b>	<b>726,273</b>	<b>33</b>	<b>237</b>	<b>585</b>	<b>855</b>
21/22	Fee £	Majors	Minors	Others	Total MMO.s
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
<b>Totals</b>	<b>815,164</b>	<b>28</b>	<b>179</b>	<b>554</b>	<b>759</b>

22/23	Fee £	Majors	Minors	Others	Total MMO.s
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
<b>Totals</b>	<b>733,703</b>	<b>32</b>	<b>197</b>	<b>576</b>	<b>805</b>
23/24	Fee £	Majors	Minors	Others	Total MMO.s
Q1 April - June	158,808	8	56	152	216
Q2 July - September	125,894	7	61	120	188
Q3 October - December	71,885	3	63	115	181
Q4 January - March	239,825	4	44	123	171
<b>Totals</b>	<b>596,412</b>	<b>22</b>	<b>224</b>	<b>510</b>	<b>756</b>

## 5. Planning Appeals

- 5.1 Table 3 shows performance at appeal with appeals dismissed (meaning the reasons given by the Council for refusing permission were upheld) dropping again in 2023/24 to 61%. However, while very disappointing, on the basis of how this is viewed for performance by DLUHC (para 3.5 above) when the allowed decisions are shown as a percentage of all applications decided (13/596 – 1.8%) Reading remains comfortably below at 10% threshold.
- 5.2 As can be seen from the figures the number of appeals lodged are relatively few (2.5% of applications submitted). When officers or Planning Applications Committee decide to refuse planning permission the reasons for doing so are scrutinised by officers to ensure that they derive from material planning considerations and are substantiated by reference to Local Plan policies. Appeal statements are also checked to ensure that a robust defence of the Council’s decision is presented. However, a Planning Inspector can give different weight to concerns raised and the benefits of an application to reach a position that supports allowing a planning application.
- 5.3 In respect of challenging an appeal decision any one with “sufficient interest” can apply for permission to seek a Judicial Review of how a decision was reached. Judicial Reviews are concerned with the legality of the decision, not its planning merits. Judicial review cases are usually heard by a single judge sitting in open court in the Administrative Courts.

**TABLE 3: Section 78 Appeals against the refusal of planning permission**

	20/21	21/22	22/23	23/24
<b>APPEALS LODGED</b>	<b>30</b>	<b>26</b>	<b>24</b>	<b>29</b>
<b>NUMBER OF APPEAL DECISIONS</b>	<b>31</b>	<b>19</b>	<b>29</b>	<b>28</b>
<b>APPEALS ALLOWED</b>	<b>4 (12.9%)</b>	<b>4 (21%)</b>	<b>9 (31%)</b>	<b>11 (39%)</b>
<b>APPEALS DISMISSED</b>	<b>27 (87%)</b>	<b>15 (79%)</b>	<b>19 (66%)</b>	<b>17 (61%)</b>
<b>SPLIT DECISIONS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>APPEALS WITHDRAWN</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>

## 6. Commitments monitoring

6.1 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 were published at the end of April. 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 4 provides the results of the latest exercise.

6.2 The headlines around residential development are that 2023-24 has seen the strongest figures for housing supply in almost 20 years:

- A net gain of 1,021 homes have been completed, well above the Local Plan target of 689, and an increase from the already high level of 888 in 2022-23;
- The number of homes under construction, 1,644, is a significant reduction from 2022-23 due to the above completions, but is still high by historical standards;
- The number of new permissions is high, but mainly due to the Secretary of State's decision in March on the Vastern Court site.

**TABLE 4: Results of Commitments Monitoring 2023-24**

Type of development	Newly permitted 23-24	All permitted & not started at 31/03/24	Under construction at 31/03/24	Completed 23-24
Residential (net change)	1,460 homes	4,726 homes	1,644 homes	1,021 homes
Non-residential floorspace total (net change)	20,252 sq m	433,743 sq m	40,764 sq m	-4,288 sq m
B2 (general industrial) (net change)	-2,557 sq m	32,582 sq m	1,196 sq m	-3,294 sq m
B8 (storage and distribution) (net change)	-1,522 sq m	274 sq m	-558 sq m	-859 sq m
C1 (hotel) (net change)	6,790 sq m	62,892 sq m	4,476 sq m	0 sq m
C2 (residential institution) (net change)	1,401 sq m	40,550 sq m	368 sq m	328 sq m
E (commercial, business and service) (net change)	16,523 sq m	196,438 sq m	7,844 sq m	-1,159 sq m
F1 (learning and non-residential institution) (net change)	1,601 sq m	6,075 sq m	11,683 sq m	5,480 sq m
F2 (local community) (net change)	220 sq m	55,108 sq m	48 sq m	-2,599 sq m
Sui generis (net change)	-2,204 sq m	39,824 sq m	15,707 sq m	-2,185 sq m

6.3 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 small losses of most uses and the biggest gains of learning and non-residential institutions (mainly schools). Further detail can be provided on request.

## 7. Building Control

- 7.1 The team comprises the building control team leader, two building control inspectors (one started in April), a trainee building inspector and three business support officers. They are supported by one agency surveyor. A Level 3 agency surveyor (to start late May on part time basis) will be able to help check high risk buildings and supervise permanent staff to enable them to also work towards higher levels of work. Last year I reported 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 (A.I.s) wherever we can. I am pleased to report that this year we are on track to do this.
- 7.2 Table 5 shows the case load as submitted for the relevant quarters for this year 23/24 and the totals for the last two years. Attending dangerous structure alerts increased last year and while many required minimal intervention the fire incidents in Friar Street (north end of Smelly Alley and Station Hill development) were of public interest and required intensive involvement. The approval rates for applications dealt with within statutory timeframes is at a high level and the number of completion notices issued has increased. Fee income is holding steady compared to the previous year. Finally, Initial Notices submitted by Approved Inspectors (AI) has fluctuated over the year as they react to the Building Safety Act and the implications it has for their staff and the type of work they are involved in. When A.I.s cancel Initial Notices due to not having enough registered inspectors to deal with them those cases revert to the local building control team or the Building Safety Regulator.

**TABLE 5: Building Control work.**

<b>Indicator</b>	<b>21/22</b>	<b>22/23</b>	<b>Q1 23/24</b>	<b>Q2 23/24</b>	<b>Q3 23/24</b>	<b>Q4 23/24</b>	<b>Total 23/24</b>
<b>Dangerous structures attended Non fee work</b>	26	<b>27</b>	12	55	55	15	<b>137</b>
<b>Inspections carried out</b>	1108	<b>1629</b>	333	436	432	489	<b>1690</b>
<b>Building Control applications submitted</b>	442	<b>393</b>	70	194	50	59	<b>373</b>
<b>Applications approved within 5 &amp; 8 weeks Statutory limits</b>	<b>251/442 57%</b>	<b>354/393 90%</b>	68/70 97%	184/194 95%	47/50 94%	57/59 97%	<b>356/373 95%</b>
<b>Number of completion certificates issued</b>	245	<b>234</b>	96	75	80	62	<b>313</b>
<b>Fee income</b>	<b>£281,866</b>	<b>£279,798</b>	<b>£61,207</b>	<b>£61,316</b>	<b>£68,700</b>	<b>£79,502</b>	<b>£270,725</b>
<b>Non Fee Work - AI Initial Notices</b>	323	<b>363</b>	107	54	67	107	<b>335</b>



## **8. Contribution to strategic aims**

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

## **9. Community engagement**

- 9.1 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. Facilitating engagement can influence the quality of public involvement and thereby the quality of the eventual decision.

## **10. Equality impact assessment**

- 10.1 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.
- 10.2 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.

## **11. Environmental and climate implications**

- 11.1 The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers).
- 11.2 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.

## **12. Legal implications**

- 12.1 The collection and monitoring of performance indicators and publication of financial performance 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.

## **13. Financial Implications**

- 13.1 There are no direct financial implications arising from this report although we continue to monitor fee income and look for ways to improve our efficiency and boost fee income.