

**READING BOROUGH COUNCIL  
REPORT BY DIRECTOR OF ENVIRONMENT, CULTURE & SPORT**

<b>TO:</b>	<b>PLANNING APPLICATIONS COMMITTEE</b>		
<b>DATE:</b>	<b>24<sup>th</sup> April 2019</b>	<b>AGENDA ITEM:</b>	<b>7</b>
<b>TITLE:</b>	<b>ANNUAL PERFORMANCE MONITORING REPORT - DEVELOPMENT MANAGEMENT SERVICE - 2018/19</b>		
<b>SERVICE:</b>	<b>PLANNING</b>	<b>WARDS:</b>	<b>BOROUGHWIDE</b>
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**1. PURPOSE AND SUMMARY OF REPORT**

- 1.1 The purpose of this report is to provide information on this Local Planning Authority's performance in development management in terms of meeting government set targets on dealing with planning applications and success at planning appeals.
- 1.2 More detail on the types of applications handled and other services provided is also presented for the year 1 April 2018 - 31 March 2019.

**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 Ministry of Housing, Communities and Local Government (MHCLG) collate 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 MHCLG published new criteria for designation late in 2018; "Improving planning performance - Criteria for designation" as follows:
  - 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 MHCLG 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 MHCLG 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 (21<sup>st</sup> March 2019) performance tables is:
- 90.6% of major development applications within the statutory determination period or an agreed extended period.
  - 89.5% 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.
- 4.5 Currently there are no up to date tables published by MCHLG on performance on the quality of decisions made but using our own data we have calculated that:
- 0.7% (19 appeals allowed against 2,756 decisions) of this authority’s decisions on applications made during the assessment period have been overturned at appeal.
- 4.6 I am therefore pleased to report that Reading’s Planning team have been performing well within MHCLG’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 2018/19 has dropped slightly on all types of applications apart from Major category applications when compared to last year but more significantly when compared to 2016/17.

**Table 1: Application Performance in 2018/19 for the Planning Service compared with previous years.**

Description	MCHLG 2019 Target	16-17	17-18	18/19
Number and Percentage of major applications decided within: (i) statutory 13/16 weeks, or (ii) the extended period agreed with the applicant.	60%	47 89%	29 93%	33 97%
Number and Percentage of all other minor applications decided within (i) statutory 8 weeks or (ii) the extended period agreed by the applicant.	70%	223 74%	234 88%	200 90%
Number and Percentage of other applications (including householder applications) decided within (i) statutory 8 weeks or (ii) the extended period as agreed by applicant.	70%	769 85%	698 90%	652 94%
Number and Percentage of householder applications (not for prior approval) decided within (i) statutory 8 weeks or (ii) the extended period agreed by the applicant.	70%	499 86%	464 88%	446 94%

- 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	2016-17	2017-18	2018-19
Number of (and performance on) all Prior Approval applications	133 (96% in time)	135 (96% in time)	90 (96% in time)
Number of Householder Prior Approvals	94	67	59
Number of Office to residential Prior Approvals	24	21	26

- 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 since 2015/16.

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

	2015/16	2016/17	2017/18	2018/2019
Pre-application advice	219	198	233	180
Approval of details required by condition, ADJ, LPA, NMA, EIA SCO and SCR.	355	388	390	450
Works to TPO/CA trees	187	207	202	204
<b>Total</b>	<b>761</b>	<b>793</b>	<b>825</b>	<b>834</b>

Applications for pre-application advice have fallen significantly (by 23%) when measured against 2017/18. However other applications have generally continued to increase with applications to discharge planning conditions indicating developer interest in implementing their planning approvals for new development across the Borough.

## 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 slightly dipped with more allowed this year than in previous years. Officer recommendations to refuse permission are scrutinised to ensure the reasons for refusal can be defended (only 21% out of 1245 applications, as reported in the Statutory Returns, were refused in 2018/19) and appeal statements are checked to ensure that a robust defence of the decisions is presented. It is relevant that the Council has not been asked by Planning Inspectors to pay the costs for an appellant for making an unsubstantiated decision.

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

	2016/17	2017/18	2018/19
APPEALS LODGED	39	38	41
NUMBER OF APPEAL DECISIONS	40	43	37
APPEALS ALLOWED	8	8	11
APPEALS DISMISSED	32	34	26
SPLIT DECISIONS	0	0	0
APPEALS WITHDRAWN	0	1	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 2018/19 was very good with 92% 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 2018/19 compared to previous years. During the year 2018/19 the planning enforcement team resolved 276 cases whilst 285 new complaints were registered. The backlog of registered investigations now stands at 192. 135 'Other' and preliminary investigations conducted (i.e. those which did not result in a formal investigation being registered) and 322 additional HMO investigations just between 1<sup>st</sup> October 2018 and 31<sup>st</sup> March 2019 as a result in changes in HMO legislation. In terms of total workload the team experienced a huge increase in the number of properties looked at from an average of around 370 for each of the previous three years to more than 600 in 2018/2019 - a trend which looks set to continue at least in the short term.

**TABLE 5: Planning Enforcement statistics**

	2016/17	2017/18	2018/19
Total number of enforcement cases received	246	251	285
No. of cases closed	339	252	276
No. of cases on hand at end of year	183	181	190
Enforcement notices	8	6	6
Planning contravention notices	10	11	6
Breach of condition notices	1	0	2
Section 215 notices	0	0	0
Listed Building Enforcement notice	0	0	0
Temp Stop Notice	0	0	0
Stop Notice	0	0	0
Appeals against enforcement notices	3	3	4
New enforcement prosecutions	1	1	0

## **8. CONTRIBUTION TO STRATEGIC AIMS**

- 8.1 Planning services contribute to producing a sustainable environment and economy within the Borough and to meeting the 2018 Corporate Plan objective for “Keeping the town clean, safe, green and active.”

## **9. COMMUNITY ENGAGEMENT AND INFORMATION**

- 9.1 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.

## **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. LEGAL IMPLICATIONS**

- 11.1 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.

## **12. FINANCIAL IMPLICATIONS**

- 12.1 There are no direct financial implications arising from this report. Specific initiatives referred to will be met from existing budgets.