

## INFORMATION ITEM FOR COUNCILLORS, NOVEMBER 2021

### PLANNING PERFORMANCE REPORT – QUARTER THREE, 2021-22

#### Executive Director: Place, Planning and Regeneration

#### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to update members on planning performance. It is an information item setting out a range of planning performance data for the third quarter of 2021/22, it includes figures for the previous quarter for comparison.

#### 2. IMPACT OF THE CORONAVIRUS

- 2.1 The level of service maintained during the pandemic is indicated in the table below which shows the numbers of applications determined during 2020/21 along with the figures for 2019/20.

Quarter / Year	Q3 2019/20	Q3 2021/22	Change
<b>Application Type</b>	<b>Applications Determined</b>		
Majors	9	12	+3
Minors	41	28	-13
Others	132	118	-14
<b>Total</b>	182	158	-24
	<b>Applications on Hand</b>		
<b>Total on hand</b>	254	414 (est)	+160

- 2.3 The table shows that during the third quarter of 2021/22, some 30 fewer applications were determined than for the same quarter of 2019/20.
- 2.4 The high level of applications over recent months has resulted in the currently high number of cases in hand (414) which is an increase of 160 on the number on hand at the end of the same quarter of 2019/20. This continues to take time to clear but the number is now some 58 lower than it was at the start of the second quarter of the current year. Additional resources have been secured which is helping to deal with the backlog. Further recruitment has taken place within planning to help deal more quickly with applications on an ongoing basis.
- 2.5 The high numbers of applications combined with some ongoing resourcing issues in planning and other contributing services has resulted in some applications taking longer to process than usual as can be seen in the performance figures in the next section of this report. This is the experience of most planning authorities at present and a warning about timescales has been placed on the Council website and on the acknowledgement letters sent to applicants.

### 3. PLANNING APPLICATIONS

- 3.1 Table 1 below shows the planning performance figures for the previous two quarters. The targets for 2021/22 are unchanged from the previous year and are to deal with 90% of Minors and Others and 85% of Majors within the relevant statutory 8 or 13-week period, or within an agreed extension of time.

Table 1 Planning Applications Determined

	% determined including with extension of time	Target	No. determined with extension of time	Total no. determined
<b>Q3 2021/22</b>				
Majors	<b>84%</b>	85%	<b>8</b>	<b>12</b>
Minors	<b>86%</b>	90%	<b>28</b>	<b>36</b>
Others	<b>82%</b>	90%	<b>89</b>	<b>121</b>
Total			<b>125</b>	<b>169</b>
<b>Q2 2021/22</b>				
Majors	84%	85%	3	6
Minors	89%	90%	43	51
Others	77%	90%	76	134
Total			122	191

- 3.2 Table 2 below shows how many applications were on hand at the beginning and end of each of the last two quarters.

Table 2 Applications on Hand

Quarter	On hand at beginning of period	On hand at end of period	Change
<b>Q3 2021/22</b>	<b>440</b>	<b>414 (at end Nov)</b>	<b>-26</b>
Q2 2021/22	475	440	-35

- 3.3 The data show that performance on major applications has stayed the same as the previous quarter and remains at 84%, just 1% below the 85% target. Performance on minor applications reduced slightly from 89% for the previous quarter to 86% for the latest quarter which is 4% below the 90% target. Performance on other applications has improved from 77% in the previous quarter up to 82% for the latest quarter but remains some 8% below the 90% target. This is largely due to the very high workloads being experienced which includes significant numbers of telecoms boxes.

3.4 The number of cases on hand had decreased by around 26 cases by the end of November. However, it still remains at a historically high level at around 414 cases on hand given that in pre-covid times it was normally well below 300.

#### 4. PLANNING ENFORCEMENT

4.1 Table 3 shows the number of enforcement cases opened, closed and on hand in the latest quarter along with the same figures for the previous quarter.

Table 3 Enforcement Caseload

Quarter	Opened in Period	Closed in Period	On hand at end of period
<b>Q3 2021/22</b>	<b>52</b>	<b>48</b>	<b>97</b>
Q2 2021/22	<b>54</b>	<b>75</b>	<b>93</b>

4.2 The table above shows that 4 more cases were opened than closed during the quarter. The target for 2021/22 remains to keep the number of cases on hand below 100 and this quarter's figures show that we are managing to maintain that level.

4.3 Table 4 shows the numbers of current enforcement cases that are over 6, 12 and 18 months old.

Table 4 Older Enforcement Cases

	<b>Q3 2021/22</b>	Q2 2021/22	<b>Change</b>	<b>Change %</b>
Current cases over 6 months old	<b>57</b>	56	<b>+1</b>	<b>+1.8%</b>
Current cases over 12 months old	<b>26</b>	32	<b>-6</b>	<b>-18.8%</b>
Current cases over 18 months old	<b>20</b>	24	<b>-4</b>	<b>-16.7%</b>

4.4 Table 4 above shows that, over the previous quarter there has been a small increase of one case in the number of cases over 6 months old. For the numbers of cases over 12 and 18 months old there have been reductions of 18.8% and 16.7% respectively. This progress has been assisted being able to keep the overall caseload below 100 cases on hand it is hoped that further progress can be made on the more complex older cases.

#### ENFORCEMENT CASE STUDIES

4.5 The photographs below illustrate one of the enforcement cases successfully resolved during the quarter with before and after pictures.

**Case 1:** 18 Templar Close, Sandhurst – Over height garden structure close to boundary

Before:



After:



## 5. PLANNING APPEALS

- 5.1 The table below summarises the numbers of appeals determined during the quarter, the numbers allowed and dismissed and the percentage dismissed with the same figures for the previous quarter and for the full year for comparison.

Table 5 Planning Appeal Decisions

	Decisions	Allowed	Dismissed	% Dismissed	Target
<b>Q3 2021/22</b>	<b>7</b>	<b>2</b>	<b>5</b>	<b>72%</b>	<b>66%</b>
Q2 2021/22	8	2	6	75%	66%

- 5.2 Planning appeals performance has reduced marginally since the previous quarter (from 75% to 72%) but has exceeded the target of 66% with 72% of appeals dismissed.
- 5.3 There were two allowed appeals, both of which were for residential front extensions and both were also appealed following member overturns of officer recommendations for approval. These cases were:
- Kenrick, Chavey Down Road, Winkfield Row, Bracknell RG42 7PB (application ref 21/00262/FUL)
  - Froxfield, Beehive Road, Binfield, Bracknell RG12 8TR (application ref 21/00573/FUL)
- 5.4 The dismissed appeals included land north of Hershel Grange, Warfield (application Ref 19/00497/FUL). The proposed development was the erection of 33 dwellings (including 10 affordable dwellings), with car parking, landscaping, open space and access off Herschel Grange. The appellant has recently served a pre-action protocol letter on the planning inspectorate stating that they intend to seek a judicial review of the decision. Their grounds are for this primarily relate to the fact that the inspector based his decision on the Council being able to demonstrate a five year supply of housing land when in fact it could not.
- 5.5 It is doubtful whether the planning inspectorate will defend the case given:
- that the inspectorate was informed by both the appellant and the Council that the BFC could not demonstrate a five year housing land supply well in advance of the decision being issued; and,
  - the importance of this matter to the decision-making process and the application of the 'tilted balance'.
- It is therefore considered likely that this decision will be quashed and the appeal held again.

## 6. COMMUNITY INFRASTRUCTURE LEVY (CIL) AND S106 PAYMENTS

- 6.1 Table 6 below shows the total value of the CIL liability notices issued (normally issued with, or just after, a planning permission). It also shows the value of CIL demand notices issued (normally issued just prior to commencement of a development). The final column shows the amount of CIL actually received by the

Council. The CIL received is the gross amount before the Parish and Town Council proportions and the administrative allowance are deducted.

Table 6 Community Infrastructure Levy

	CIL Liabilities Issued		CIL Demand Notices Issued		CIL Received
	No.	Net Amount	No.	Net Amount	Gross Amount
<b>Q3 2021/22</b>	<b>5</b>	<b>£2,121,985.51</b>	<b>9</b>	<b>£1,213,916.77</b>	<b>£2,426,192.82</b>
Q2 2021/22	6	£642,121	7	£233,583	£448,249

6.2 Table 6 shows that there has been a significant increase in CIL income from the previous quarter, the Council securing over £2.4 million. Similarly, over £2.1 million was achieved during the quarter for CIL Liabilities which represents a significant increase from the £0.64 million achieved in the previous quarter. There has also been a good rise in the value of CIL Demand Notices issued amounted to just over £1.2 million in the third quarter which is a large increase from the £0.23 million achieved in the preceding quarter. These healthier pipeline figures allay some of the concerns expressed in the previous quarterly report over the future pipeline of CIL income.

Table 7 Amounts Secured and Received via S106 Agreements

S106 2020/21	Amount secured in s106 Agreements	Amount received from s106 Agreements
<b>Q3 2021/22</b>	<b>£3,829,124.00</b>	<b>£729,058.00</b>
Q2 2021/22	£724,275	£1,508,999

6.3 Table 7 shows that, unlike CIL income, amounts received from S106 contributions are significantly lower than the previous quarter having reduced from £1.5 million to just under £0.73 million. However, the future income from S106 looks healthier with over £3.8 million secured in new S106 Agreements over the quarter.

## 7. RECOMMENDATION

7.1 **It is recommended that Members note the information contained in this report.**

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