

## INFORMATION ITEM FOR COUNCILLORS, FEBRUARY 2023

### PLANNING PERFORMANCE REPORT – QUARTER THREE, 2022-23

#### 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 2022/23, it includes figures for the previous quarter for comparison.

#### 2. PLANNING APPLICATIONS

- 2.1 Table 1 below shows the planning performance figures for the previous two quarters. The target for 2022/23 was unchanged from the previous year and is 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 2022/23</b>				
Majors	<b>88%</b>	85%	<b>6</b>	<b>8</b>
Minors	<b>66%</b>	90%	<b>20</b>	<b>41</b>
Others	<b>79%</b>	90%	<b>74</b>	<b>141</b>
Total			<b>100</b>	<b>190</b>
<b>Q2 2022/23</b>				
Majors	80%	85%	4	5
Minors	77%	90%	13	25
Others	73%	90%	88	171
Total			105	201

- 2.2 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 2022/23</b>	<b>426</b>	<b>398</b>	<b>-28</b>
Q2 2022/23	487	426	-61

- 2.3 The data show that performance on major applications has improved from the 80% achieved in quarter 2 and now exceeds the 85% target. Performance on minor applications at 66% for the quarter has not met the 90% target and has reduced from the previous quarter. However, performance has improved on other applications (the largest category) rising from 73% for the previous quarter to 79% - though this still does not meet the 90% target.
- 2.4 The figures for minors and others continue to reflect the relatively high caseloads and resourcing issues being faced by the planning division and within the various consultees that input to the planning function including those providing tree, transport and drainage advice. It is also an issue within local authority planning departments generally with many having significant numbers of agency staff. The Council is continuing to seek to recruit to vacant posts to try and secure a full establishment to deal with outstanding casework.
- 2.5 The number of cases in hand has reduced during the quarter from 426 to 398. While this remains a historically high level, there does appear to be a continuation of the lowering in the numbers of application being received over recent months so it is hoped that this will in time feed through into further reductions in cases on hand and performance improvements.

### 3. PLANNING ENFORCEMENT

- 3.1 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 2022/23</b>	<b>45</b>	<b>49</b>	<b>117</b>
Q2 2022/23	52	54	122

- 3.2 The table above shows that, the number of cases open has reduced by 2 over the quarter. This has reversed the trend of increasing numbers over the previous 2 quarters, though remains above the target of 100 or fewer live cases.
- 3.3 Table 4 shows the numbers of current enforcement cases that are over 6, 12 and 18 months old.

Table 4 Older Enforcement Cases

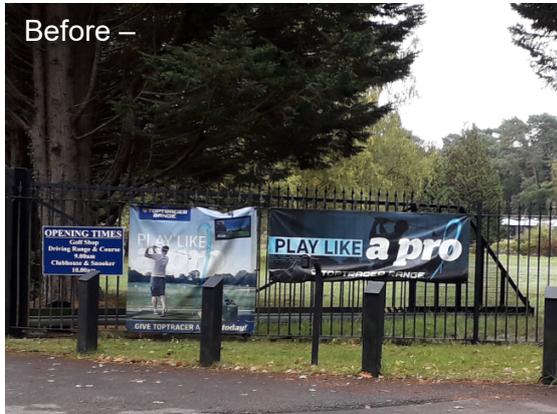
	<b>Q3 2022/23</b>	<b>Q2 2022/23</b>	<b>Change</b>	<b>Change %</b>
Current cases over 6 months old	<b>82</b>	80	+2	+13.7%
Current cases over 12 months old	<b>53</b>	49	+4	+10.2%
Current cases over 18 months old	<b>34</b>	29	+5	+20.7%

- 3.4 Table 4 above shows that, over the previous quarter there has been an increase generally in the numbers of older cases across all categories. This partly reflects previous higher caseloads in the section and the officer time spent on planning enforcement appeal work. It also partly reflects that a large number of older cases are the subject of live planning applications and are not closed until the outcome of the application process is known. This affects a significant proportion of the current cases on hand, it had been anticipated that the determination of a number of such applications in the third quarter would help to improve these figures, but for a variety of reasons many of these applications have not yet been determined. The team continues to deal with enquiries which have not resulted in the creation of an enforcement case but have needed to be investigated and responded to appropriately.
- 3.5 The cases are regularly monitored and action is prioritised in accordance with the Local Enforcement Plan. There have been some successes during the quarter such as those shown in the following photographs.

## CASE STUDIES

3.6 These photos show enforcement cases successfully resolved during the quarter.

### Case 1 – Unauthorised signage Lavender Park Golf Course



## Case 2 - unauthorised antenna at Scotlands House

Before – large antenna in place



After – site following removal of antenna



#### 4. PLANNING APPEALS

- 4.1 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 2022/23</b>	<b>12</b>	<b>5</b>	<b>7</b>	<b>58.3%</b>	<b>66%</b>
Q2 2022/23	12	3	9	75%	66%

- 4.2 Planning appeals performance for the third quarter failed to meet the target of 66% with 7 out of 12 appeal decisions being dismissals (58.3%). This represents worsening performance from the figures for the first quarter. If member overturns are discounted (3 overturns – 2 allowed and 1 dismissed) then the performance would have been 6 dismissed out of 9 decisions which would have met the 66% target.
- 4.3 One of the decisions received was for the dismissed appeal at Land rear of 89 Locks Ride (Application reference 20/00571/FUL). The proposed development would have extended an existing cul-de-sac with an additional 7 homes. The decision letter says that the proposal would cause unacceptable harm to trees that make an important positive contribution to the character of the locality. The Inspector found that this harm amounted to clear conflict with the development plan and clearly outweighed the benefits arising from the proposal despite the Council not being able to demonstrate a 5 year supply of housing land.
- 4.4 Another dismissed appeal was at Winkfield Park, Winkfield Row (Application Reference 20/00809/OUT) where an application had been refused for the replacement of stables (including grooms' accommodation, storage and tack rooms) and an all-weather arena. The inspector agreed with the Council that the proposed location would be unsuitable due to flood risk. The Inspector also found that inadequate biodiversity survey information had been provided. For these reasons, and despite finding that there is an essential need for the proposed accommodation in the countryside, the appeal was dismissed. The appellant also made a claim for a costs award against the Council which was also rejected by the Inspector.
- 4.5 One disappointing decision received was at the New Leathern Bottle, Maidenhead Road, Warfield (Application Reference 21/00925/FUL). This decision allowed the change of use of this former public house to use as a single dwelling house. The Inspector did find that the public house provided a meaningful community use but also found that there were a significant number of alternative public houses within a 5 mile radius, including one within 600m of the appeal site. The Inspector accepted the adequacy of the marketing carried out and the appellant's evidence that the public house was not commercially viable. On this basis the Inspector, while finding some conflict with the development plan, determined that the site's particular circumstances justified a departure from these policies and allowed the appeal.
- 4.6 During this quarter the sum of the cost award against the Council following the appeal at the Palm Hills site, London Road was agreed at £6,335.50. This was paid to the appellant (Shanly Homes) following a finding of unreasonable behaviour by the Council. The application was refused at Committee against the officer recommendation and was subsequently allowed at appeal. At the Committee

meeting members added a reason for refusal relating impact on badgers. According to the Inspector’s decision letter, this reason was:

*“... contrary to the conclusions of both the appellant’s ecological submissions and the advice of the Council’s own Biodiversity Officer.”*

The Inspector also concluded that the Council had not been able to identify any evidence contradicting those conclusions to justify refusing the application on that basis.

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

- 5.1 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 2022/23</b>	<b>10</b>	<b>£1,770,945</b>	<b>6</b>	<b>£569,603</b>	<b>£1,730,441</b>
<b>Q2 2022/23</b>	8	£1,752,616	7	£1,385,559	£1,161,694

- 5.2 Table 6 shows that the CIL receipts for the third quarter of 2022/23 remain at a high level and are increased from the second quarter. Overall the income remains very satisfactory for the year to date with the annual target having already been exceeded. While the amount in liabilities issued was slightly higher than for the previous quarter, and shows that for the year to date we have a continuing pipeline of infrastructure funding from this source. However the short/medium term outlook is less certain and this may be reflected in the lower level of CIL Demand Notices issued compared to the previous quarter.

Table 7 Amounts Secured and Received via S106 Agreements

S106 2020/21	Amount secured in s106 Agreements	Amount received from s106 Agreements
<b>Q3 2022/23</b>	<b>£1,424,614</b>	<b>£592,854</b>
Q2 2022/23	£2,478,999	£1,038,236

- 5.3 Table 7 shows that the amounts of S106 funding secured in new agreements decreased significantly from the previous quarter as did the amount received via S106 agreements. This again may reflect market uncertainty meaning that developers may be holding back on developments and hence not reaching the triggers for payments to be made. However, the nature of S106 is that it can be

'lumpy' with a very small number of large payments causing significant quarterly variations.

6. RECOMMENDATION

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

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