

Committee	Regulatory Planning Committee
Date	18 April 2018
Report by	Director of Communities, Economy and Transport
Subject	Development Management Update
Purpose	To inform Members about matters relating to enforcement and site monitoring, undertaken under delegated powers for the three months period between 1 January and 31 March 2018; and development management performance for the period 1 April 2017 to 31 March 2018.
Contact Officer:	Sarah Iles – 01273 481631
Local Members:	All

SUMMARY OF RECOMMENDATIONS

The Committee is recommended to note the report.

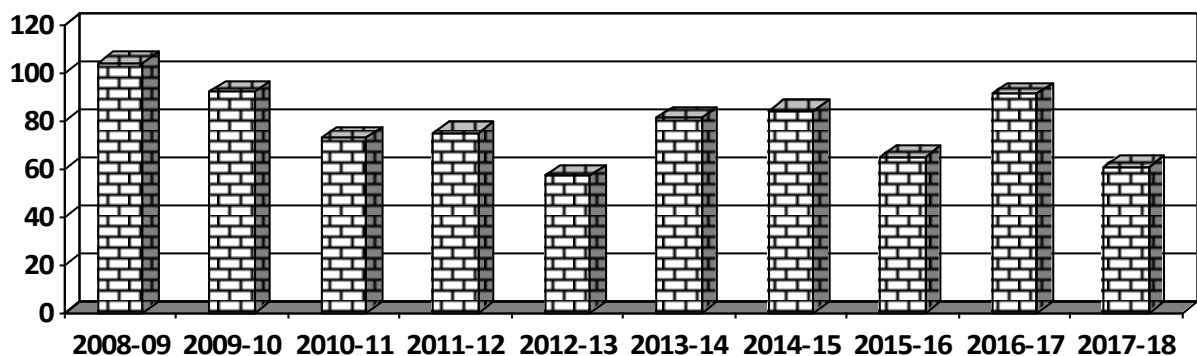
CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT

1. Enforcement

1.1 In the period between 1 January and 31 March 2018, there were eleven new alleged breaches of planning control. Of the new cases, ten were resolved within the reporting period and five older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of March 2018 was six. This represents a decrease of four in the number of cases that were outstanding at the end of the previously reported quarter.

1.2 The current number of outstanding cases is unprecedentedly low. During the last financial year, we have seen a decrease in the number of new enforcement cases received compared to previous years, which is probably an indication that activities in certain sectors of the construction industry have been slower than in previous years. The chart below shows the number of new cases that have been received each year since 2008-09. The resources available to deal with enforcement cases are currently adequate. However, this will need continual monitoring to ensure that outstanding cases do not reach excessively high numbers, as has happened in previous years.

New enforcement cases received, by year



1.3 Appendix 1 of this Report provides details of cases resolved and received within the period 1 January and 31 March 2018, together with details of the status of all current cases. Additional details and information on these cases can be obtained from the relevant officers listed at the end of this Report.

2. Site Monitoring

2.1 Site monitoring of all minerals and waste sites has continued, but has to be accommodated within limited resources and alongside the enforcement service. During the last quarter twenty three non-chargeable site monitoring visits were carried out and one chargeable monitoring visit was undertaken. No substantive breaches of planning control were identified during the course of these visits. It should be noted that the monitoring visits recorded here relate to formal, pre-arranged visits. This does not, therefore, include monitoring visits that are undertaken during the course of an enforcement investigation/monitoring – such as monitoring hours of operation following receipt of a complaint.

3. Appeals

3.1 As reported in the previous Quarterly Update report, there were two outstanding appeals that were being dealt with. One was against the Council's decision in March 2017 to refuse planning permission for the demolition and replacement of the existing waste transfer station building to enable continued use of the site as a waste transfer station at Unit 3 Cradle Hill Industrial Estate, Cradle Hill Road, Seaford. The appeal was dealt with under the written representations procedure and a decision has now been received. Disappointingly, the Inspector allowed the appeal and overturned the Council's decision to refuse planning permission. As a result planning permission, subject to conditions, has been granted for the development. The Inspector considered that whilst there would be some adverse impact on both the adjoining Seaford Town Cemetery and nearby residential properties, he did not consider that the impact or harm was sufficient to refuse planning permission. A copy of the Inspector's decision is attached as Appendix 2 to this report.

3.2 The second appeal is against the Enforcement Notice that was served in relation to the unauthorised importation, deposit and processing of waste materials (UPVC window frames) at Upper Lodge Farm, The Broyle, Ringmer. The Notice required the cessation of the activity and the clearance of the site. The appellant appealed on "Ground (a)": that planning permission should be granted for the activity, and requested that the matter be dealt with by way of a Hearing. The Planning Inspectorate has now confirmed that the appeal can proceed and, despite the appellant requesting a Hearing, has indicated that the appeal will be heard at a Public Inquiry. Interested parties will be notified in due course and further instructions are awaited from the Planning Inspectorate. Members will be advised of the outcome of the appeal in future reports.

4. Development Management

4.1 The Growth and Infrastructure Act 2013 introduced new measures and consequences in terms of the planning performance of planning authorities. Where authorities are not adequately performing their planning function of determining relevant planning applications within prescribed timescales, they can be designated as being in "special measures". Under this provision, the power for determining planning applications can be taken away from local authorities, and applicants can choose to have their application determined by the Planning Inspectorate. We are required to submit quarterly statistical returns and there are penalties for failing to submit two or more quarters of data and, once applied, the penalties will be reflected in the performance statistics published. Additionally, if an application is not determined within 26 weeks and extensions of time have not been agreed with the applicant, planning authorities have to return the planning application fee to the applicant.

4.2 The Government publishes criteria for determining whether or not to place local planning authorities in "special measures". One measure is the average percentage figure for the timely determination of major development applications over two years. The threshold for designation is currently at 60% of applications being determined within a 13 week period, or within a timeframe

agreed with the applicant. The Government also introduced monitoring for performance on non-major planning applications, the threshold for which is 70% of applications being determined within an 8 week period, or within a timeframe agreed with the applicant. However, the monitoring of performance on non-major applications relates to District/Borough/Unitary authorities and not County Councils. Therefore, the performance on the determination of the County Council developments (Regulation 3) will not be included in the performance figures measured by the Government, although we will continue to monitor and report on our own performance.

4.3 In terms of performance, for the period April 2017 to March 2018 (inclusive) a total of forty nine applications were determined (14 County Matters, 28 County Council, 1 Listed Building Consent, 5 Non-Material Amendment and 1 Prior Notification). Nine planning applications were withdrawn and the Council declined to determine 1 planning application. Of the relevant applications, 100% of County Matter applications were determined within 13 weeks or within an agreed extension of time, and 100% of County Council applications were also determined within 8 weeks or within an agreed extension of time, both of which clearly exceed the targets set by Government and locally.

4.4 In terms of the Government measures regarding performance for major applications (in this instance County Matters), the outturn figure for the 24 months ending December 2017 was 88.9% of major applications determined within the relevant timescale, which is well above the current 60% threshold.

4.5 In addition to dealing with planning applications, the Planning Policy and Development Management Team have continued to provide a pre-application advice service to applicants, for both County Matters and County Council development. With effect from 1 July 2017, charges and new procedures for pre-application advice requests were introduced. Requests for pre-application advice on County Matters now incur a fee, whereas pre-application advice requests for County Council developments do not. However, in all instances, new procedures that were introduced now require each submission, whether chargeable or not, to be via a formal form and accompanied by specific details/documents. Additionally, enquiries relating to whether a development requires planning permission also have to be submitted on a prescribed form. This all ensures that requests are being submitted with the correct information and also enables accurate recording of the number of requests being dealt with.

4.6 During 2017/18, 38 proposals received formal pre-application advice, only one of which was chargeable. In addition, 17 enquiries as to whether planning permission was required were also dealt with.

5. Contact Officers

5.1 Members with any queries about site monitoring or enforcement matters should contact either Sarah Iles (01273 481631) or Robert Shapter (01273 335218). Members with queries relating to County Matter and Regulation 3 applications should contact either Jeremy Patterson (01273 481626) or David Vickers (01273 481629).

RUPERT CLUBB
Director of Communities, Economy and Transport
06 April 2018

Local Members: All

BACKGROUND DOCUMENTS

Current Enforcement, Monitoring, Planning Application and Appeal Files.
MasterGov Database.