

Committee	Regulatory Committee Planning Committee
Date	13 April 2016
Report by	Director of Communities, Economy and Transport
Subject	Development Management Matters
Purpose	To inform Members about activities undertaken under delegated powers and development management performance for the three months period between 1 January 2016 and 31 March 2016, and, about activities undertaken in accordance with the Site Monitoring Policy
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 January and the end of March 2016, there were seventeen new alleged breaches of planning control. Of the new cases, eleven were resolved within the last 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 2016 was eighteen. This represents an increase of one in the number of cases that were outstanding at the end of the previously reported quarter.

1.2 Three separate sites have been the subject of formal enforcement action during the last quarter. These are: two sites at Endeavour Works in Newhaven, both of which have the same landowner but are subject to separate Enforcement Notices; and land at Holleys Yard in Easons Green.

1.3 With respect to the last site, as detailed in the tables in Appendix 1 to this report, the Holleys Yard site has been used for the importation, deposit and storage of waste wood. The landowners were not responsible for this unauthorised activity and the operator who was responsible vacated the site without clearing the waste wood. Whilst the Environment Agency successfully prosecuted the Director of the company responsible for importing the waste wood, this did not secure the removal of the waste. Therefore, in order to prevent the unauthorised importation and storage of waste becoming lawful, the Council decided to serve an Enforcement Notice. The outcome of the Enforcement Notice, which took effect on 4 March 2016, is that no further waste wood can be imported to the site and that the site must be cleared of all waste wood. Given the circumstances of this particular case, and that the landowners were not responsible for the importation of the waste but are, ultimately, liable for the clearance of the site, a suitable period of time for removal of the waste wood has been given. Regular contact is being maintained with the landowners, and advice and assistance provided where appropriate in order to secure compliance with the Enforcement Notice and the clearance of the waste wood from the site.

1.4 Another site where a Notice has been served is Fir Tree View, Halland. A Planning Contravention Notice (PCN) was served on the landowner in order to establish the status and activities occurring at the site. Whilst, for the purposes of the Town and Country Planning Act, a

PCN does not constitute “formal” enforcement action, it is a Notice which must be responded to – failure to do so is an offence. Equally, if the recipient of a PCN knowingly or willingly gives wrong or misleading information in response to a PCN, this is also an offence. Action in relation to this site is ongoing.

1.5 Appendix 1 of this Report provides details of cases resolved and received within the period January to March 2016 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 is continuing, but has to be accommodated within limited resources and alongside the enforcement service. Notwithstanding this, twenty non-chargeable monitoring visits to sites have been carried out during the relevant period. Two chargeable monitoring visits, on behalf of the South Downs National Park Authority, were undertaken during the last quarter.

2.2 Monitoring of the construction work for the Bexhill-Hastings Link Road (BHLR) is continuing, despite the carriageway having opened to the public on 17 December 2015. This is because works are still being carried out in relation to the construction of the Greenway, landscaping and fencing. Furthermore, there are ongoing monitoring requirements relating to details approved pursuant to conditions, and, the obligations in the S106 Legal Undertaking.

3. Development Control

3.1 The Growth and Infrastructure Act 2013 introduced new measures and consequences in terms of the planning performance of planning authorities. It seeks to target poor performance in relation to the speed and quality of decisions, and focuses on improving planning performance. 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 will be taken away from local authorities, and applications consequently 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.

3.2 The Government publishes criteria for the determination of designation of local planning authorities. One measure is the average percentage figure for determination of major development applications over two years. The threshold for designation was originally set at 30% or fewer determinations, and then increased to 40% for relevant County Matter applications. The Government last year further increased this threshold to 50%. The quality of decisions is measured by the average percentage of major development applications overturned at appeal with a threshold of 20%, which has not changed. During these changes to national performance indicators, we have continued to set ourselves a target of determining 60% of County Matter applications within 13 weeks and we have also set ourselves a target with regard to County Council development of deciding 75% of applications within 8 weeks.

3.3 The Government has previously indicated its intention to introduce similar performance measures for non-major (minor) applications and has released a Technical Consultation detailing a number of proposed changes to the planning system and framework. These include expanding the approach to planning performance, which suggests a performance target of deciding 60-70% of minor applications within 8 weeks, assessed over a period of two years. If this is implemented, it will mean that applications relating to County Council development (Regulation 3) will be included in the performance figures measured by the Government in relation to designating local planning authorities as being in “special measures”.

3.4 In terms of performance, for the period January to March 2016 (inclusive) a total of eleven applications were determined (3 County Matters, 5 County Council, 1 Certificate of Lawfulness, 1 Non-Material Amendment and 1 Listed Building Consent). Of the relevant applications, 66.6% of County Matter applications were determined within 13 weeks, which exceeds our target for determining planning applications, and 20% of County Council applications were determined within 8 weeks, which is considerably below the Council's locally set target, although this is measured in relation to only a very small number of applications determined. The cumulative figures for the year are 64.3% of relevant County Matter applications determined within 13 weeks, which is slightly above the target, and 66% of County Council applications were determined within 8 weeks, which falls below our target. 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 2015 is 90% of major applications determined within the relevant timescale, which is well above the current 50% threshold.

3.5 In addition to dealing with planning applications, the Planning Policy and Development Management Team has continued to provide a pre-application advice service to applicants, for both County Matters (often which arise out of enforcement investigations or site monitoring) and County Council development, and, applications within the South Downs National Park. During the last period nineteen separate proposals received pre-application advice from officers. The pre-application service provided has a number of benefits, including assisting applicants to understand the planning process and how acceptable their proposal is likely to be and, can result in a better proposal or design of a development being negotiated before the formal submission of a planning application.

4. Contact Officers

4.1 Members with any queries about enforcement matters should contact either Sarah Iles (01273 – 481631) or Robert Shapter (01273 – 335218). Members with queries on development management matters should contact David Vickers (01273 – 481629) for County Council development or Jeremy Patterson (01273 – 481626) for County Matter development. Members with any queries about site monitoring should contact Sarah Iles.

RUPERT CLUBB
Director of Communities, Economy and Transport
05 April 2016

Local Members: All

BACKGROUND DOCUMENTS

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