

## CORPORATE MANAGEMENT COMMITTEE – 15 APRIL 2021

### ADDENDUM TO ITEM 5-CONSTITUTION REVIEW

#### 1. Background to planning element of Constitution review (Item 5, para 3.1)

- 1.1 This addendum includes the information that was reviewed and agreed through Constitution Member Working Party as well as additional analysis of historic planning data. The purpose of this is to include benchmarking information as well as demonstrate the rationale for ten as a threshold, rather than a higher or lower number or the deletion of the provision entirely.
- 1.2 In 2019 the Planning Advisory Service conducted a review of the RBC Planning Service and set out a number of recommendations. Recommendation 13 stated that it was recommended that the Council review and improve the matters reserved to Committee in order to ensure adequate time was available to consider major applications and to ensure Planning Committee meetings did not run significantly beyond a maximum of 2 hours.
- 1.3 The RBC Overview & Scrutiny Select Committee sought feedback on the PAS report from a residents' panel and resident recommendations were noted. Resident recommendation 7 was that delegation arrangements should be considered to ensure that proportionate amount of time is allowed for consideration of major planning applications, whilst still allowing time for consideration of some of the smaller developments which generate public interest particularly where an appropriate trigger had been met. A report was then prepared and went through Constitution Member Working Party.

#### Rationale behind ten as the threshold for number of representations leading to an item going to committee

- 1.4 The primary recommendation is a change in the number of representations required for an item to come before the Planning Committee. The current trigger for an application to go to Committee is when more than two objections have been received from more than two different households. This has led to an additional 41 items coming before the Planning Committee since January 2020, these have predominantly been minor householder development. It is proposed in the report to increase this number to ten.
- 1.5 In total there have been 89 planning applications at Planning Committee since Jan 2020 (this is only applications business, not policy or other items). 41 of the planning applications have only been on the agenda due to number of representations being 3 or more. 15 of these 41 applications that were only caught by the representations provision have had more than 10 objections.
- 1.6 The number ten was informed by analysis of historical data as well as benchmarking with other Authorities. Using historic data, if the ten threshold were to be applied retrospectively to committee items heard since Jan 2020 the results would have been:

**100%** of applications with less than 10 representations, that were only at Committee because of this provision, were approved in line with Officer recommendation (26 out of 26)

**80%** of applications which were only at Committee due to the number of representations, and had more than 10 representations, were approved in line with Officer recommendation (12 out of 15)

- 1.7 The reason for this is likely to be that the ones that have less than 10 objections are generally small householder schemes that are relatively uncontroversial, with only interest from directly adjacent neighbours. As a result 100% of these have been approved in line with officer recommendation because they accord with adopted planning policy. These items do however take up a significant amount of the Committee's time, significantly extend meetings and reduce the time and focus on larger applications. This problem is identified by both the PAS report and residents' panel.
- 1.8 Over the period Jan 2020- April 2021 the ten threshold would have removed 26 items from the Planning Committee agenda, which were all approved in line with officer recommendation. This would bring the average number of planning application items from 5 to 3.5, plus other business such as policy items, service plans etc, making for a manageable agenda and delivering the PAS and resident Panel objectives.
- 1.9 It is considered that going significantly lower than 10 would not deliver the benefits to the agenda or free up time for consideration of larger or more controversial items. The data suggests that applications with more than 10 objections tend to be the more finely balanced or controversial ones and as such it is right that these are determined at Planning Committee, as such at this time it is not recommended that a significantly higher number be set or that the provision be removed all together.

Practice at other Local Planning Authorities in the region:

- 1.10 Runnymede is a significant outlier in having such a low threshold and this has led to a significant and disproportionate number of small applications being brought to Planning Committee.
- 1.11 Analysis of the 7 local authorities directly adjacent to RBC, or in close proximity to the Borough, indicates that Runnymede's threshold is very low when compared to practice elsewhere. Runnymede's is the lowest in the sub region by some distance. Even with the provisions in the proposal, it would still be one of the lowest thresholds in the region.

<b>Authority</b>	<b><u>Constitutional provision re letters of objection.</u></b>
<b>Runnymede</b>	More than 2 objections lead to applications recommended for approval being brought to committee.  <i>"Any applications which are recommended for approval where objections have been received from more than two parties"</i> (with some exceptions listed)
<b>Surrey Heath</b>	<b><u>No provision/trigger.</u></b>  Letter numbers do not lead to an application being referred to committee.
<b>Spelthorne</b>	<b><u>No provision/trigger.</u></b>  Letter numbers do not lead to an application being referred to committee.  The only provision is:  <i>"Where the Head of Planning and Housing Strategy decides, after consultation with the Chairman of the Planning Committee, that an application should be submitted to the Planning Committee on planning grounds, or where there is significant public concern or where it is very contentious"</i>
<b>Elmbridge</b>	The minimum threshold is <b><u>15 letters</u></b> in Elmbridge. The relevant provision is:  <i>"Major applications (10+ dwellings or 1000sqm+ non-residential floorspace) which are recommended for approval by Officers where there are objections from 15 or more households or from Claygate Parish Council (if a petition, or an objection letter is received from an organisation such as a residents'</i>

	<i>association, political party or conservation area advisory committee each shall be treated in the same way as an objection from 1 household).</i> "
<b>Woking</b>	<p><b><u>No provision/trigger.</u></b></p> <p>Letter numbers do not lead to an application being referred to committee.</p> <p>There is however a provision that states that, the receipt of <i>"10 letters enables a right to public speaking at planning committee."</i></p> <p>It doesn't not however result in the application being listed to the committee in the first place.</p>
<b>Guildford</b>	<p><b>10-20 letters</b> leads to listing of the item on the committee agenda (depending on type of application)</p> <p>The relevant constitution section is:</p> <p><i>"Applications are referred automatically to the Planning Committee in the following cases:</i></p> <ul style="list-style-type: none"> <li><i>- for all householder and other applications, the trigger for Committee will be 10 letters/emails or more contrary to the officer's recommendation;</i></li> <li><i>- for all Major and Minor applications, the trigger for Committee will be 20 letters/emails or more contrary to the officer's recommendation;</i></li> </ul>
<b>Bracknell Forest</b>	<p><b><u>5 Valid objections on valid planning grounds:</u></b></p> <p><i>"applications (including applications to vary planning obligations but not including applications for Certificate of Lawful Use) attracting more than five valid planning objections from different households or other organisations before a delegated decision is made, may not be allowed by the Director Place Planning and Regeneration."</i></p>
<b>Royal Borough Windsor and Maidenhead</b>	<p><b><u>No provision/trigger.</u></b></p> <p>Letter numbers do not lead to an application being referred to committee.</p>

- 1.12 Dealing with very small less contentious items with less than 10 objections at Planning Committee is not considered a good use of Member, Officer or resident time, and a number of recent Planning meetings have extended beyond four hours. The consideration of these items at Planning Committee has not been leading to different outcomes. It is considered that the Planning Committee's time is best focused on items that are more complex or contentious as well as items that have been called in by elected Members because of the particular planning circumstances of the case.
- 1.13 Removal of less contentious items from agendas would help deliver both the PAS, O&SS committee and resident panel recommendation. Any items that are particularly controversial would be caught by the proposed ten letter threshold, the Member call in provision or the CHDMBC's provision to list applications for consideration by the committee. For these reasons ten is considered to strike the right balance.