

Committee:		Planning and Licensing
Date:		10 December 2002
Subject:		Delegated Planning Powers
Report Of:		Director of Planning, Regeneration and Amenities
Ward(s):		All
Purpose:		To consider proposed amendments to the powers delegated to the Head of Planning related to the determination of planning and related applications.
Contact:		Tim Cookson, Head of Planning – tel: 01323 415249 internally on ext. 5249.
Recommendations:		That the proposed powers of delegation to the Head of Planning set out in Appendix 2 are supported and recommended to the Council .
1.0	<u>Introduction</u>	
1.1	The present powers delegated to the Head of Planning concerning the determination of planning and related applications were adopted in September 1999 (see Appendix 1). The changes increased the general level of delegation from about 45%/50% to about 65%/70%.	

1.2	The increased level of delegation has assisted in determining applications in a more efficient manner but there has been a very significant increase in the volume (37% increase between September 1999 and September 2002) and complexity of work in the last few years. Therefore a further adjustment in the delegation arrangement will improve efficiency whilst retaining sufficient safeguards to ensure important matters are considered by the Planning and Licensing Committee. Under the Council's constitution changes to the scheme of delegation to officers require the approval of full Council.	
1.3	The delegation target set by Government until 2001 had been 70%. The Government has reconsidered the matter recently and wishes to see authorities achieve 90% delegation.	
1.4	The current level of delegation achieved for other East Sussex District/Boroughs is as follows: Hastings (82%); Lewes (82%); Rother (75%); and Wealden (91%). The comparable figure for Eastbourne is 69% which is the lowest.	
2.0	<u>Proposed Changes to Delegated Powers</u>	
2.1	There are two main changes proposed to the delegated arrangements. These involve the removal of the requirement to consider all applications which have a Council interest (ie applicant, landowner etc.) and those applications which have attracted 1, 2 or 3 objections.	
2.2	Council applications with a major impact will still be considered by the Planning and Licensing Committee and any application can be required to be considered by the Committee following a request from the Chairman or Opposition Spokesperson on the Planning and Licensing Committee or from Ward Councillors. Objectors can make a request to address the Committee provided such a request is received within the specified consultation period. This would therefore result in the Committee determining the matter.	

2.3		<p>The other significant changes proposed involve reducing the consultation to the Chairman of Planning and Licensing Committee in respect of observations on applications determined by East Sussex County Council and Wealden District Council. In addition an objection from the Conservation Area Advisory Group would not automatically require an application to be determined by the Planning and Licensing Committee.</p>
2.4		<p>The Chairman of the Planning and Licensing Committee or his deputy has the opportunity to see the proposed delegated decisions prior to the decisions being issued and the Head of Planning can review the list at that point and refer matters to the Planning and Licensing Committee.</p>
3.0		<p><u>Implications</u></p>
3.1		<p><u>Human Rights</u></p>
		<p>If the proposed changes are adopted the Committee would not consider all applications which have attracted 1,2 or 3 objections. However, an objector can ask to speak at Committee and therefore ensure the matter is dealt with by Committee. Therefore I do not consider the changes would have a detrimental impact on human rights.</p>
3.2		<p><u>Human Resources</u></p>

	This report principally deals with trying to meet a Government target and does not reduce the workload of the officers in reaching their conclusions on any particular application. The time saved is only that which is taken by going to Committee and the production of reports.	
3.1	There are no financial, youth, environmental, anti-poverty or community safety implications as a direct result of this report.	
4.0	<u>Summary</u>	
4.1	The report recommends proposed amendments to the powers delegated to the Head of Planning related to the determination of planning and related applications. This will assist in providing a more efficient planning service. The Planning and Licensing Committee will be able to concentrate on the most significant applications in respect of scale of impact and major public concern.	
Tim Cookson		
Head of Planning		
Background Papers:		
The Background Papers used in compiling this report were as follows:		
Statistical Release – Planning Applications April to June 2002 from Office of the Deputy Prime Minister September 2002.		
Planning: Delivering a Fundamental Change (Planning Green Paper) Department of Transport Local Government and the Regions December 2001		
To inspect or obtain copies of background papers please refer to the contact officer listed above.		
tcc/reports/ planning & licensing cttee delegated planning powers Dec 02		

APPENDIX 1

Eastbourne Borough Council

DELEGATED PLANNING POWERS

Adopted September 1999

Determining the following matters is delegated to the Head of Planning subject to the restrictions and conditions referred to :-

a) An application for planning permission, Listed Building Consent or Conservation Area Consent except where :-

i) the development would not be in accordance with the approved or more current draft County Structure Plan or of any adopted or more current draft Local Plan (Minerals, Waste or Borough wide);

ii) the Head of Planning considers the proposal should be refused;

iii) a written objection is received and the grounds of objection are considered to be material planning considerations;

iv) the Conservation Area Advisory Group objects to the proposal;

v) the application was submitted by or on behalf of the Council or the Council is the owner of the land or property the application relates to;

vi) the application was submitted by or on behalf of a Councillor of the authority (or their spouse/partner) or by Council's staff (or their spouse/partner) who are part of the Corporate Management Team, are Heads of Service or work in the Planning Division;

vii) the Head of Planning considers that it should be presented to Committee for decision;

viii) the Chairman, opposition spokesperson or any ward Councillor requests, in writing to the Head of Planning, that the application should be determined by the Committee, provided that any such request is made within 21 days of circulation of the weekly list of applications.*

* the letter to the Head of Planning should include the Councillor's reasons for referral to the Committee.

b) Observations on applications for planning permission to be determined by the County Council. The Head of Planning will prepare a response and consult with the Planning and Licensing Committee Chairman, Deputy Chairman and opposition spokesperson.

c) Observations on applications for planning permission in Wealden District Council to be determined by Wealden District Council. The Head of Planning will prepare a response and consult with the Planning and Licensing Committee Chairman, Deputy Chairman and opposition spokesperson.

d) An application for consent under a tree preservation order to the topping or lopping of trees or to the cutting down or destruction of trees when no objection is raised by the Council's Arboricultural staff.

e) An application for consent to display an advertisement except where a written objection has been received or where the Conservation Area Advisory Committee objects or the Head of Planning considers the proposal should be refused. Where the Borough Council is the applicant or owner of the property or land, on which an advertisement is proposed to be placed the Head of Planning will consult with the Planning and Licensing Committee Chairman, Deputy Chairman and opposition spokesperson.

f) An application for a Certificate of Lawful Use or Development.

g) Authorising Tree Preservation Orders and confirmation of such Orders which are unopposed.

h) Detailed wording of planning conditions and matters arising from conditions attached to planning permissions.

i) Minor amendments to proposals with existing consent.

Note – Determining applications within conservation areas within the statutory period

Where an application is within a conservation area and it is not possible for it to be considered by the Conservation Area Advisory Group prior to determination by the Planning and Licensing Committee or Head of Planning within the statutory eight week period, the Head of Planning will consult with the Chairman of the Conservation Area Advisory Group and the Historic Buildings Advisor.

APPENDIX 2

Eastbourne Borough Council

DELEGATED PLANNING POWERS

Proposed December 2002

Determining the following matters is delegated to the Head of Planning subject to the restrictions and conditions referred to :-

A) An application for planning permission including reserved matters, Listed Building Consent, Conservation Area Consent or an application for consent to display an advertisement except where :-

- (i) The development would not be in accordance with the approved or more current draft County Structure Plan or of any adopted or more current draft Local Plan (Minerals, Waste or Borough wide).
- (ii) The Head of Planning considers the proposal should be refused.
- (iii) The application has attracted four or more letters of objection from different households or businesses, or a petition and the grounds of objection are considered to be material planning considerations.
- (iv) That an objector wishes to address the Planning and Licensing Committee provided such a request has been made within the specified consultation period for the application.
- (v) The application was submitted by or on behalf of a Councillor of the authority (or their spouse/partner) or by Council's staff (or their spouse/partner) who are part of the Corporate Management Team, are Heads of Service or work in the Planning Division.
- (vi) The Head of Planning considers that it should be presented to Committee for decision.
- (vii) The Chairman, opposition spokesperson or any ward Councillor requests, in writing to the Head of Planning, that the application should be determined by the Committee, provided that any such request is made within 21 days of circulation of the weekly list of applications.*

* the letter to the Head of Planning should include the Councillor's reasons for referral to the Committee.

B) Observations on applications for planning permission to be determined by the County Council. The Head of Planning will prepare a response and consult with the Planning and Licensing Committee Chairman.

C) Observations on applications for planning permission to be determined by Wealden District Council. The Head of Planning will prepare a response and consult with the Planning and Licensing Committee Chairman.

- D) An application for consent under a tree preservation order to the topping or lopping of trees or to the cutting down or destruction of trees when the decision is supported by the Council's Arboricultural staff consulted on the proposal.
- E) An application for a Certificate of Lawful Use or Development including existing and proposed use or development.
- F) Authorising Tree Preservation Orders and confirmation of such Orders which are unopposed.
- G) Approval of any matters required to be submitted pursuant to conditions or legal agreements imposed on any permission, consent or approval given under the Town and Country Planning Acts.
- H) Minor amendments to proposals with existing consent.

Note – Determining applications within conservation areas within the statutory period

Where an application is within a conservation area and it is not possible for it to be considered by the Conservation Area Advisory Group prior to determination by the Planning and Licensing Committee or Head of Planning within the statutory eight week period, the Head of Planning will consult with the Chairman of the Conservation Area Advisory Group and the Historic Buildings Advisor.