

**COMMITTEE:** Planning Committee

**DATE:** May 2016

**SUBJECT:** Update on Public Speaking at Planning Committee and Update on the Planning Scheme of Delegation

**REPORT OF:** Senior Specialist Advisor (Planning)

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**Ward(s):** All

**Purpose:** To provide Members with suggested changes to the rights to address Planning Committee and also to update Members with revisions the scheme of delegation for processing of planning applications.

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**Recommendations:** That Members note the contents of this report and endorse the referral to Full Council for incorporation into The Constitution.

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### **Background:-**

As part of an ongoing review of the planning service/function a number of changes/enhancements have been identified.

As part of a review of current practices and procedures associated with the processing of Planning Applications and the performance of Planning Committee a working party comprising officers, Chair and opposition spokesperson from Planning Committee was initiated and recommended that changes/amendments should be explored and if practicable implemented.

The identified changes/enhancements related to delivering consistency across those wishing to address (speak at) planning committee and amendments to planning scheme of delegation to reflect the type and nature of applications that are reported to planning committee.

### **Issues Arising**

- 1. Public Speaking at Planning Committee**
  - 2. Planning Scheme of Delegation**
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- 1. Public Speaking at Planning Committee**

As the Constitution currently stands the applicant or representatives of the applicant can only exercise their right to address planning in response to an objector. This issue has been the source of a number of complaints handled in the last year by officers in the Democratic Services Team.

It is considered more equitable and transparent to allow all applicants (including their representatives) the ability to address planning committee whatever the officer recommendation and whether or not there has been an objection to their application.

The working party acknowledged that this may increase the case processing times at Planning Committee. In reality however, it is unlikely that all applicants will take up this opportunity and for those that do it is considered that the benefits to the process by deriving a more informed debate would outweigh the modest increase in Committee processing times.

The working party recommend that the rights to address planning committee be amended to allow the applicants and or their representatives to address planning committee irrespective of the officer recommendation and whether there are representations in opposition.

## 2. Planning Scheme of Delegation:-

The working party acknowledged that reporting cases unnecessarily to Planning Committee adds significantly to the application processing time.

The working party acknowledged that the role of a Planning Committee member was to make decisions on complex/involved planning applications that help to 'place-shape' the character, urban fabric and public realm of Eastbourne.

The working party has identified that the time taken at planning committee and type of applications being reported to Planning Committee over the last year is inconsistent with previous years. This inconsistency has resulted in the working party tabling a number of modest revisions to the planning scheme of delegation (the decision making route for planning applications).

The working party recommend that the scheme of delegation be amended as identified below.

Current Position	Suggested Revisions
A) Applications comprising 'major' development within the meaning of the T&CP (General Permitted Development) Order	No change
B) Applications for development which conflicts materially with the Local Development Plan, County Development Plan, or any adopted South Downs National Park Authority Development Plan.	No Change
C) Applications materially affecting ancient monuments, and sites of special scientific interest.	No Change
D) Where the application has been made by a member (or their spouse/partner or an officer (or their spouse/partner who are part of the Corporate Management Team or working in the planning division.	No Change
E) Applications requiring the Secretary of State to be notified under the Town and Country (Development Plans and Consultations) Departures Direction 2009	No Change

F) Where the Planning Officer dealing with the matter considers that the application should be dealt with by the committee	Where the Senior Specialist Advisor dealing with the matter considers that the application should be dealt with by the committee
G) Where a member of the council not more than 28 days after the validation of an application requests otherwise.	Where a Member of the council not more than 28 days after the validation of an application requests otherwise and that this request is formed by material planning grounds and in the view of the Senior Specialist Advisor in consultation with the Chair of Planning Committee have the potential to lead to a substantive/sustainable reason(s) for refusal.
H) Where the Chairman Opposition Spokesperson or a ward Councillor requests that the matter be determined by the Committee at any point up to the Officer formally making and implementing the decision	Where the Chairman Opposition Spokesperson(s) requests that the matter be determined by the Committee and have substantiated their claim on material planning grounds and in the view of the Senior Specialist Advisor in consultation with the Chair of Planning Committee have the potential to lead to a substantive/sustainable reason(s) for refusal.
I) Where more than six letters of objection have been received on material consideration grounds	Where more than six letters of objection have been received on material planning grounds and in the view of the Senior Specialist Advisor in consultation with the Chair of Planning Committee have the potential to lead to a substantive/sustainable reason(s) for refusal and these objections are in opposition (contrary) to the officers recommendation.
J) Where an objector has made their wish to address the Committee within the consultation period	Where an objector has made their request to speak, then their request must comply with all of the following: <ul style="list-style-type: none"> <li>- Request to speak made within the public consultation period.</li> <li>- Must be accompanied by a written statement of your address to committee and</li> <li>- Must relate to material planning grounds that in the view of the Senior Specialist Advisor in consultation with the Chair of Planning Committee have the potential to lead to a substantive/sustainable reason(s) for refusal</li> </ul>

**Recommendation:-**

That Planning Committee endorse the content of this report and refer to FULL COUNCIL to endorse the recommended changes to the Constitution.