

DELEGATED

AGENDA No. PLANNING COMMITTEE

14 OCTOBER 2014

REPORT OF THE CORPORATE DIRECTOR OF DEVELOPMENT AND NEIGHBOURHOOD SERVICES

ALTERATION TO THE SCHEME OF DELEGATION

As Members will be aware the Council reviews its scheme of delegation every 4 to 5 years, the last time being in 2011.

This report proposes two alterations to the scheme of delegation which are now considered appropriate following the operation of the scheme since 2007.

The proposed alterations relate to an "individual letter of response" where publicity of the application has been carried out solely by letters to adjacent owners/occupiers it should in future contain an address from a resident consulted by letter or additional information has been provided to satisfactorily demonstrate that the respondent is an owner of a property or business consulted by letter

Also letters of response from a single property should only count as an individual letter of response

RECOMMENDATIONS

- 1. That the Planning Committee agree the proposed amendments to be incorporated into the definitions of the Scheme of Delegation***

PURPOSE

1. An appropriate scheme of delegation allows members to devote sufficient time to more complex and contentious applications. However Members of Planning Committee will also appreciate that the amount of time taken to determine an application is not always proportionate to the size of the application. It is often the smaller applications which prove more contentious despite the material planning considerations being minimal
2. The revised scheme remains simple and makes it clear what applications cannot be determined by Officers i.e. the exceptions to the scheme of delegation.

Issues for consideration

The following issues have arisen in operating the scheme of delegation

3. **Letters of response**

An 'individual letter of response' shall be taken to constitute a letter or email within which it is stated that an individual or group of people, whether privately or in any other capacity object or support a proposal for reasons set out in a letter.

4. Whilst publicity is given to the process of how the public are able to have a planning application referred to the Planning Committee by achieving a specified number of letters of representations contrary to the officer recommendation, a number of issues arise which require to be considered to avoid the process being open to misuse

5. There is no limitation on where the individuals making representations must reside, the threshold for objections can be achieved by relatives or friends making representation who are not affected by the development. As applications are also subject to Press and Site Notices, representations may be received from pedestrians, motorists, train or bus passengers who are travelling through the Borough which would need to be taken into account. Therefore it is recommended that the proposed new limitation on proximity would only apply when publicity is restricted to neighbour notification letters

6. It is considered that in order for a representation to be counted as one of "more than 5 representations" for the purposes of whether the application is delegated to officers or referred to committee only where publicity of the application has been carried out solely by letters to adjacent owners/occupiers it must contain an address from a resident consulted by letter or additional information has been provided to satisfactorily demonstrate that the respondent is an owner of a property or business consulted by letter. All representations received will continue to be taken into account in the determination of the application.

Should responses from the same property count as towards the trigger figure or as a single letter?

7. As Members will be aware it is not the number of representations that are given weight by the decision maker in determining a planning application but the planning merits of the representation. The threshold was introduced to provide a sensible control and prevent applications being referred to the Planning Committee unnecessarily. Under the present scheme an anomaly is where it would be possible if there were six occupants of a property to each make representations and an application would need to be referred to the Planning Committee.

8. It is considered that a new threshold should be introduced relating to the number of letters received so that where letters are received from a household that they only count as one objection towards the more than five threshold irrespective of the numbers received. Therefore in the case of two properties submitting three letters of objection each, this in future would only count as two objections for the purposes of the scheme of delegation only. All representations received would continue to be taken into account in the determination of the application.

9 **PROPOSED REVISED DEFINITIONS FOR SCHEME OF DELEGATION**

1. Wherever necessary, all interpretations as to definitions will be made in the first instance by the Head of Economic Growth and Development Services. Where agreement is unable to be

reached, further guidance will be available from the Director of Development and Neighbourhood Services and legal advisor.

2. An 'individual letter of response' shall be taken to constitute

a). A letter within which it is stated that an individual or group of people, whether privately or in any other capacity object or support a proposal for reasons set out in a letter. Notification of the decision shall be only to the Head Petitioner or the first name/signatory

b) Letters of response from a single address

c) For the purposes of the operation of this scheme of delegation, petitions or pro-forma letters wherein the content remains virtually the same shall be treated as a single letter of objection/support regardless of the number of letters received or the size of the petition.

d) Where publicity of an application has been solely by letters to the adjacent owners/occupiers it contains an address from a resident consulted by letter or additional information has been provided to satisfactorily demonstrate that the respondent is an owner of a property or business consulted by letter

3. Those cases which involve development on land owned, or in which an interest is held, by a Council Member (or their spouse/partner) or by any member of the Council staff (or their spouse/partner) where it is known be referred to Planning Committee and

An Objection representation has been received to the planning application

4 For Council developments, "minor" development is classed as buildings up to and including 500m², of floorspace, Advertisements, CCTV systems, and any structures required to be erected to enable the Council to fulfil its responsibility and function of Community Safety

10. The existing scheme of delegation will remain unchanged as set out below

a.) those cases which appear to the Director of Development and Neighbourhood Services or the Head of Economic Growth and Development Services to be extraordinary when viewed against established policy guidelines, or warrant consideration by Planning Committee;

b.) development proposed by the Council itself except those of a nature as detailed in Appendix 3- definitions associated with the operation of the scheme of delegation;

c.) those cases where the Officer recommendation is for approval but it constitutes a departure from the Development Plan;

d.) d) Those cases where there are more than 5 letters/emails by way of response which are contrary to the recommendation of the case officer, with the exception of mobile phone mast applications where they remain delegated regardless of the number of objections received;

e.) where a Member requests in writing or by email within 21 days of publication of details of the application that Committee determine the application on the grounds of an issue of fundamental principle which shall be taken to involve the interpretation of a matter of policy which could undermine the purpose and objectives of the Local Plan or Local Development Framework, and where a member can demonstrate that the proposal would have such a prejudicial impact or effect on the area or Borough or its residents as to warrant determination by Planning Committee.

- f) Those cases which involve development on land owned, or in which an interest is held, by a Council Member (or their spouse/partner) or by any member of the Council staff (or their spouse/partner)
An Objection representation has been received to the planning application
11. The revised definitions for the scheme of delegation will continue to ensure transparency, probity, fairness and consistency in decision making, and lead to continued improvements in performance.

CONCLUSION

12. The overall package of measures has led to significant improvements to the speed of the service and its accessibility by members of the public. There have undoubtedly been some difficulties, but Members will recognise the continuing need to maintain improved performance, and it is recommended that the revised definitions to the scheme of delegation will lead to a more streamlined and efficient service.

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FINANCIAL AND LEGAL IMPLICATIONS

Financial

As report

RISK ASSESSMENT

The suggested reforms are categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

COMMUNITY STRATEGY IMPLICATIONS

Economic Regeneration Objective 6 'Ensure good and sustainable design in regeneration schemes and new developments-Meet government targets in determining planning applications"

COMMUNITY SAFETY

The proposal has no direct impact upon community safety.

WARD AND WARD COUNCILLORS: ALL

