

**Open Report on behalf of Richard Wills, Executive Director for Communities**

Report to:	<b>County Council</b>
Date:	<b>13 September 2013</b>
Subject:	<b>Delegation for Planning Applications</b>

**Summary:**

Increased delegation to Head of Planning for determination of planning applications submitted to Lincolnshire County Council.

**Recommendation(s):**

It is recommended that Council agrees to the change to the Scheme of Delegation for planning applications set out in the report and the Constitution is amended to reflect the updated procedure for the delegation of planning applications to the Head of Planning as set out in paragraphs 2.1 and 2.2 of the report.

## **1. Background**

1.1 The purpose of this report is to seek Council approval to bring forward a modification to the Council's adopted scheme of delegation in relation to the planning applications which are submitted to the Council which relate to applications for waste, minerals projects and the County Council's own developments such as schools and highway schemes. The current extent of delegation to the Head the Planning is set out below.

1.2 To approve planning permission for:

- mobile classrooms, siting and retention;
- re-roofing of County Council buildings;
- erection of fire escapes;
- erection of flag-poles;
- erection of fencing and means of enclosure;
- provision of school/education building where the floor space to be created by the development is up to and including 1,000 square metres of floor space;
- external alterations to buildings arising from internal modifications;

- comments on Listed Building and Conservation Area Consent applications to be determined by the Secretary of State;
- the erection of minor buildings up to 15 metres in height and 1,000 square metres in area on established sewage treatment works;
- construction of car parks, all weather pitches and play areas;
- non material changes to planning permissions in accordance with Section 190 of the Planning Act 2008.

All of the above developments are delegated provided no objection is received after appropriate consultation.

- 1.3 For a number of years now the time taken to determine planning applications has been used and accepted as an indicator of efficiency of a Council's planning service and is an important factor in how the public and developers perceive the Council's planning function. This has also been reflected in recent years in a number of government publications such as Killian Pretty Review – Planning Applications: A faster and more Responsive System (2008).
- 1.4 The current position is that all planning applications dealt with by the County Council other than those listed at paragraph 1.2 above must be determined by the Planning and Regulation Committee. If any objection is received in respect of the above types of development then the application must be reported to Committee.
- 1.5 For the last two financial years the split between applications reported to Planning Committee and delegated items are as follows:

Total Decisions Made 2010/11	154
Applications taken to Committee	91
Delegated	63
% of decisions delegated	40%

Total Decisions Made 2011/12	139
Applications taken to Committee	88
Delegated	51
% of decisions delegated	37%

- 1.6 For County Councils, measurements on performance are concerned with National Indicators NI 157 which assesses the percentage of mineral/waste applications dealt within 13 weeks of the date of validation. The national target is 65%. Although not covered by a National Indicator, the Development Management Team sets itself a target of 13 weeks to deal

with 80% of County Council applications from date of validation. With increased delegation this time period could be reduced to eight weeks as the reason for the longer period is that a proportion of County Council applications are still reported to the Planning Committee.

- 1.7 As a comparison, figures obtained from other County Councils show a much higher percentage of applications determined through delegation as follows:

Nottinghamshire	85%
Essex	80%
Northants	78%
Leicestershire	76%
Lancashire	70%

- 1.8 In terms of handling County Matter applications over the past 5 years, only in one year has the group met the national target of 65% (2009/10). These have ranged from 26% (2008/09) to 56% for both 2010/11 and 2011/12. In 2012/13 the figure was 58%. To address this issue previously the number of Committee meetings was increased from eight per year to 12 per year. This has assisted to some extent, but still not enabled the national target of 65% to be achieved. By increasing the amount of decisions that are delegated to Officers would allow some applications that just miss the 13 weeks target due to the need for the application to be reported to Committee to be determined within the 13 weeks. This should enable the figure of 65% to be reached or improved.
- 1.9 It is the nature of the Committee process that by referring applications to Committee can introduce inherent delays in the determination of applications. The main reason for this is that committee report lead in times require officer clearance of the final report at least two weeks prior to the date of the meeting to enable the agenda to be dispatched and Councillors having at least five working days advance sight of the report, before the meeting. This can inevitably lead to applications missing their target date for decision especially as the Committee sits on a monthly basis.
- 1.10 There have been a number of instances where applications have been reported to Committee due to the receipt of a single objection. There is currently no discretion on what constitutes an objection resulting in applications being determined by Committee due to only one minor or even non planning related objection being received.
- 1.11 Should delegation be extended to enable a greater range of applications to be dealt with under delegated powers and also enable applications with a small number of objections to be dealt with by Officers it is likely that the Council's performance in the time taken to determine applications would follow.

- 1.12 In addition a slightly reduced number of planning agenda items would enable the Committee to concentrate on the more complex and controversial proposals that attract more significant numbers of representations. The last two Planning and Regulation Committees have lasted well into the afternoon due in part to the number of applications that had to be brought to the Committee. Also a number of planning applications reported to the Committee are for proposals that are in conformity with planning policies, uncontroversial and straightforward and have thus not attracted any objection. Delegating these decisions would provide a better service to the applicant in that they would receive a decision sooner and enable Councillors to spend more time on the complex and controversial applications.
- 1.13 In terms of Officer time, the overheads and staff time spent on producing lengthy reports can be reduced. Whilst reports are still an important part of the delegation process they are shorter and also provide for a steady flow of decisions thereby permitting workloads to be managed more easily and decisions to be processed with greater efficiency without having to work around the Committee timetable.
- 1.14 In terms of any potential risk to the revision to the scheme of delegation there is the potential that objectors may consider that their comments or objections have been given little weight should an application be approved under delegated powers. Such an objector would also have had their right to speak at Committee removed. However an objector could still lobby their local County Councillor who if they considered the objector(s) case had some merit could request that the application is called in for Committee determination.

## **2. Conclusion**

- 2.1 Therefore it is recommended that the delegation powers for the determination of applications available to the Head of Planning are extended as follows:

Determination of all applications for planning approval (including the determination of schemes of conditions submitted under the Environment Act 1995, (Minerals Review) for Hazardous Substances Consent, for Listed Buildings Consent and Conservation Area Consent except where:

- those applications and proposals in accordance with the Development Plan where objections are raised by other local authorities;
- those applications which are Environmental Impact Assessment applications;
- those which are recommended for refusal;

- all applications where more than three individual representations from separate properties raising planning related objections are received;
  - those involving a departure from Development Plan; and
  - those which have been referred to Committee by a Local Member.
- 2.2 The recommended amendment to the scheme of delegation is for all applications other than in the circumstances listed above to be delegated to the Head of Planning for determination. In circumstances where up to three planning related objections are received in respect of any application the Head of Planning must seek agreement from the Chairman (or in his absence the Vice-Chairman) as to whether the application needs to be brought to the Planning and Regulation Committee for determination or not.
- 2.3 For the avoidance of doubt in all cases where more than three planning related objections are received the application will automatically be brought to the Planning and Regulation Committee for determination.

**3. Legal Comments:**

Increased delegation to the Head of Planning to determine applications will enable the Council to improve its performance in the time taken to determine applications against national targets. This will in turn result in a more efficient determination process which should reduce the likelihood of appeals for non-determination within the prescribed timeframes. The Planning Committee will remain the appropriate forum for determination of those applications which attract objections; are a departure from the Development Plan; or which Local Members feel should be determined by the Committee due to the nature of the application and the potential impacts of it.

**4. Resource Comments:**

N/A

**5. Consultation**

**a) Has Local Member Been Consulted?**

n/a

**b) Has Executive Councillor Been Consulted?**

Yes

**c) Scrutiny Comments**

n/a

**d) Policy Proofing Actions Required**

n/a

**6. Background Papers**

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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