

Report for Resolution

Report to Planning Applications Committee
8 April 2010

Report of Head of Planning Services

Subject Delegation of powers from Planning Applications
Committee

Item
6

Purpose

Six monthly review of the delegation of powers to the Head of Planning Services

Recommendations

That the delegation arrangements in Appendix 1 be confirmed subject to the minor revisions listed in paragraph 6 of the report.

Financial Consequences

The financial consequences of this report are that there would be minor efficiency and resource savings as there would be a slightly higher number of applications being dealt with by officers.

Strategic Priority and Outcome/Service Priorities

The report helps to meet the strategic priority “Strong and prosperous city – working to improve quality of life for residents, visitors and those who work in the city now and in the future” and the service plan priority to implement the Planning Improvement Plan.

Contact Officers

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Background Documents

The Killian-Pretty Review (Planning: A faster and more responsive system, Final Report, Nov. 2008)
Audit Commission report - July 2008

Report

Need for review

1. There is a need to regularly review the current delegation levels from the Committee to officers. It was last reviewed by Planning Applications Committee on 2 July, 2009 and changes were brought into effect for valid applications from 1 September, 2009. The details of the current arrangements are appended to this report (Appendix 1). The Audit Commission's inspection of the planning service (July 2008) highlighted the need to review levels of delegation regularly.
2. Since then the Killian-Pretty Review (November 2008) of the planning system has been published and this also highlighted that all Councils should aim to achieve 90% delegation levels to officers by the end of 2009.
3. Actual delegation figures for Norwich were well below the 90% target but in the last three months the numbers being dealt with by officers has increased to almost exactly this figure. The actual percentages of decisions taken by officers has been:
 - Apr 07- Mar 08 737 out of 867 decisions 85.0%
 - Apr 08 - Mar 09 787 out of 963 decisions 81.7%
 - Apr 09 - Sep 09 310 out of 389 decisions 79.7%
 - Oct/Nov decisions excluded due to transitional period
 - Dec 09 - Feb 10 154 out of 171 decisions 90.1%

The need for delegation relates to three key areas:

- (a) speed of determining applications
- (b) cost
- (c) ensuring that Committee focuses on applications of major importance or wider significance.

Impacts of the September 2009 changes

4. The increased delegation has enabled continued good progress to be made in the speed of determining applications. Inevitably the need for referral to committee will involve some applications extending beyond the 8 or 13 week consultation period because of the nature of the 3 or 4 weekly cycle of meetings. Therefore the fewer that need to go to Committee the more likely that performance figures will be maintained at a high level.
5. There have been no adverse comments from members of the public, via the complaints system nor from members regarding why applications were dealt with by delegated powers rather than Committee. The Committee is reminded that all members have the right to request that any application is referred to Committee within a set period from publication in the weekly list.

Proposed changes

6. A number of minor changes are proposed for reasons of clarification and consistency:

- Under A (a) (i) and (ii) - clarification that objectors comments must be received by the latest notification periods as specified in neighbour notification letters, site notice or press advertisement as appropriate and that they must be from different addresses to trigger the need for a Committee referral. However it should be noted that comments received after these dates will be taken into account, and reported to Committee as necessary.
- Under A (a) clarification and re-wording of “All applications” to “All applications and associated planning obligations (Section 106 of the Town and Country Planning Act 1990).....”
- In C (i) replace “an objector” with “two or more objectors”.
- In D add after Strategic Director Regeneration and Development “or Head of Planning”,.

APPENDIX 1

A. PLANNING APPLICATIONS, CONSERVATION AREA APPLICATIONS, LISTED BUILDING APPLICATIONS, HAZARDOUS SUBSTANCES CONSENT APPLICATIONS

(a) All applications will be determined by the Head of Planning and Regeneration with the exception of the following:

‘(i) approval of major* planning applications if there is one or more objection raising material planning issues or if the proposal would represent a serious departure from the development plan.

* major is defined by central government as applications for 10 or more dwellings, outline applications for residential development on sites over 0.5ha, or offices, research, industrial, warehousing or retail development over 1,000 sq m or over 1ha for outline applications.’

(ii) Approval of applications (other than major planning applications*) and

- (a) where there are two or more objections from neighbours and/or other third parties citing material planning issues, and/or
- (b) where there is a petition signed by 50 or more local residents (identically worded letters will be treated as a petition) and/or
- (c) where the proposal would represent a significant departure to the approved development plan.

(iii) Applications submitted by the city council, relating to council owned property, excluding minor alterations to any property (such as replacement windows to the council’s housing stock) or minor changes of use or applications where the recommendation is to approve and there are no material planning objections

(iv) Where a member of the city council requests, within 14 days of the publication of the weekly lists, and an appropriate planning justification is made, that the application be referred to the committee for decision.

(v) Applications submitted by a member of the city council, a member of staff employed in the planning service or who works in a professional capacity in a field closely related to the planning service) or their immediate family defined as husband / wife / partner / son / daughter / mother / father / brother / sister /and equivalent in-laws as either applicant or agent.

B. PLANNING ENFORCEMENT

All decisions will be made by the Head of Planning with the exception of:

- (i) The approval of the service of an enforcement notice under Section 172 of the Town and Country Planning Act 1990 or Section 38 of the Planning (Listed Buildings and Conservation Areas Act 1990).

C. TREE PRESERVATION ORDERS AND APPLICATIONS FOR TREE WORKS IN CONSERVATION AREAS OR PROTECTED BY TREE PRESERVATION ORDERS

All decisions will be made by the Head of Planning with the exception of:

- (i) The confirmation of a tree preservation order served where there is an objection to that order.

D. OTHER

Any Items which the Strategic Director Regeneration and Development considers appropriate to refer to the Planning Applications Committee..