

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE - 28 JUNE 2005

PROPOSED ALTERATIONS TO PLANNING APPLICATION DELEGATION REMIT

Joint Report by the Head of Planning, Development and Building Standards and the Head of Administrative and Legal Services/Solicitor to the Council

1. PURPOSE OF REPORT

- 1.1** To submit for consideration of Committee, proposals to (i) amend the Scheme of Delegation for the processing of planning applications; (ii) introduce a new weekly "list system" for informing Members of proposed recommendations in respect of planning applications; and (iii) introduce a procedure to ensure referrals of planning applications to Local Planning Committees are dealt with in a transparent manner in terms of the Councillors' Code of Conduct.

2. BACKGROUND

- 2.1** The Development Services Committee on 9 March 2005 (Item 9, Page 1314, 03/07) agreed in principle for Officers to investigate the operation of a "list system" and to report back to a future meeting of this Committee for approval.
- 2.2** In order to ensure best use of finite resources, streamline decision making and improve performance targets, the Scheme of Delegation for processing planning applications has been kept under regular review. As previously reported to the Committee on 9 March 2005, the increase in the number of overall applications received has led to Committee workload remaining relatively high.
- 2.3** Accordingly, a review of other Schemes of Delegation which were amongst the top performing Councils (Clackmannan, East Renfrewshire and East Lothian) identified the use of a "list system". The proposed "list system" would identify planning applications that would be processed by Officers unless referred to Committee within a given timescale.

3. EXISTING ARRANGEMENTS

- 3.1** The Scheme of Delegation identifies existing planning application delegation remits (Appendix I). Effectively, applications are divided into three categories that are either dealt with at Officer level, Local Planning Committees or by the Development Services Committee.
- 3.2** The Head of Planning, Development and Building Standards will determine in terms of the Scheme of Delegation the most appropriate route for a planning application to be considered. This information is conveyed to Elected Members by the weekly planning list and Members have 14 days to comment. The Scheme of Delegation presently provides for Local Planning Committees

to consider applications that would normally be dealt with by Officers to be referred to a Local Planning Committee if agreed by the Executive Director of Development and Property Services or Head of Planning, Development and Building Standards in consultation with the Chair.

4. AMENDMENTS TO OFFICER DELEGATION

- 4.1** The Committee will note that there is a close relationship between the types of applications dealt with at Officer level and by Local Planning Committees. Accordingly, in terms of developing further the transparency of the planning application remit process in terms of the Code of Conduct and to accommodate the introduction of a new weekly recommendation list, further amendments to the Scheme of Delegation are suggested.
- 4.2** Officer delegation will be extended to include a range of planning applications previously dealt with by Local Planning Committees as detailed in Appendix II to this report.

5. COUNCILLORS' CODE OF CONDUCT

- 5.1** Section 7 of the Code deals with decisions that Councillors have to make in relation to individual applications, particularly in relation to planning applications.
- 5.2** The Code emphasises the key importance of ensuring that all applications are dealt with fairly and, equally importantly, are seen to be dealt with fairly.
- 5.3** The Code and subsequent guidance recognises that a Councillor has an important contribution to make in respect of an individual planning application and need not be precluded from raising issues or concerns in respect of such planning applications provided that at no time a Councillor expresses publicly his/her position on the application in advance of its consideration by the appropriate Committee meeting.
- 5.4** The Code does recognise that Councillors should operate in an open and transparent manner consistent with proper planning procedures.
- 5.5** As previously intimated, provision exists within East Ayrshire Council's Scheme of Delegation for the Executive Director of Development and Property Services or Head of Planning, Development and Building Standards in consultation with the Chair to refer applications to Local Planning Committees for consideration following request from individual Councillors. In order to further develop the transparency of this process it is proposed to introduce the requirement for such requests to be made in writing or by e-mail stating the specific grounds for concern and why the specific application in question should be referred to the Local Planning Committee.
- 5.6** Arrangements are also in hand to provide further follow-up training sessions in August 2005 to Elected Members on Section 7 of the Councillors' Code of Conduct with particular emphasis on planning applications.

6. SUMMARY OF PROPOSALS FOR CONSIDERATION

6.1 It is proposed that the following changes be introduced at the first cycle of Committees in August 2005:

- (i) that in addition to the circulation of the “weekly list of applications” to Elected Members, a new list of “weekly recommendations” covering those applications (detailed within Appendix II to this report) will be circulated to Elected Members;
- (ii) that the weekly list of recommendations contain a description of the development, the number of objections, a short conclusion and a recommendation (Appendix III);
- (iii) following seven days from the date of circulation of the weekly list of recommendations, the said recommendations be enacted by the Head of Planning, Development and Building Standards unless a request is made by an Elected Member to the Head of Planning, Development and Building Standards and copied to the relevant Local Planning Committee Chair that the application should be considered by a Local Planning Committee;
- (iv) that any request made to the Head of Planning, Development and Building Standards and copied to the relevant Local Planning Committee Chair by an Elected Member in respect of either applications on the weekly list of applications or the weekly list of recommendations requires to be made within the prescribed timescale in writing, or by e-mail, detailing the specific grounds for concern and why the relevant application should be considered by the Local Planning Committee. In respect of applications on the weekly list, requests are required to be submitted within 14 days from the date of the list. In respect of applications on the weekly recommendation list, requests require to be made within 7 days from the date of that list. Requests to be copied to the relevant Local Planning Committee Chair;
- (v) that the existing system of Hearings and all other agreed procedures be retained in the case of those applications that are referred to Committee; and
- (vi) that the Scheme of Delegation be amended accordingly to reflect the above arrangements.

7. POLICY/FINANCIAL/PERSONNEL IMPLICATIONS - Nil.

8. RECOMMENDATIONS

8.1 That the Committee agree:

- (i) to implement the proposals detailed in paragraph 6.1.

- (ii) that the new proposals commence in August 2005.
- (iii) that the Scheme of Delegation be amended accordingly to reflect the new arrangements; and
- (iv) to otherwise note the report.

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Head of Planning, Development and
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David Mitchell
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Services/Solicitor to the Council

BW/FM

(Enc: 3)

15 June 2005

BACKGROUND PAPERS

Nil

Any person wishing further information on this report should contact Alan Neish, Head of Planning, Development and Building Standards on 01563 576767 or Bill Walkinshaw, Administration Manager on 01563 576135.

Implementation Officers: Alan Neish, Head of Planning, Development and Building Standards and Bill Walkinshaw, Administration Manager

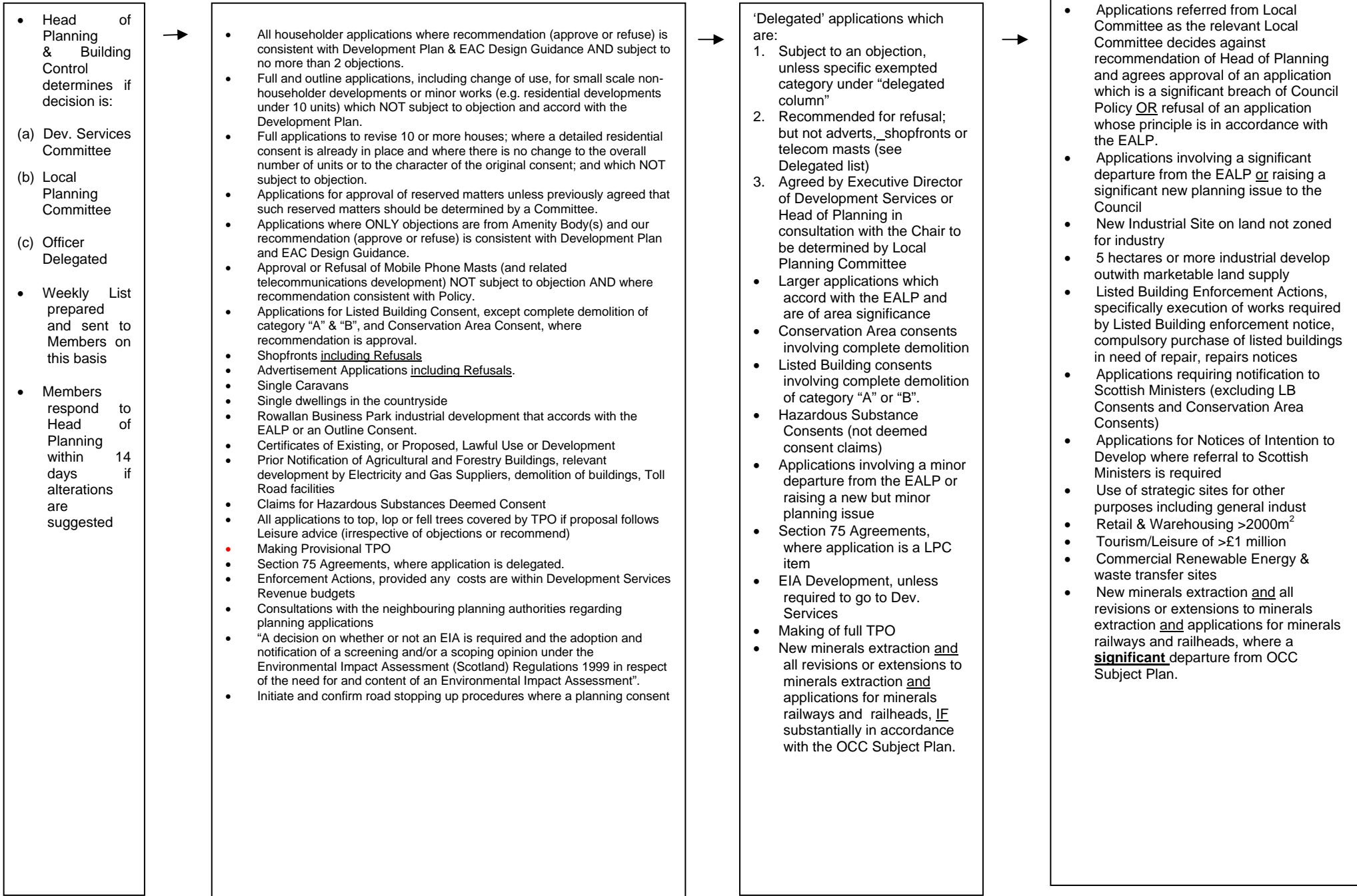
PLANNING APPLICATION DELEGATION REMITS

PLANNING APPLICATION SUBMITTED

OFFICER DELEGATED

LOCAL PLANNING COMMITTEES

DEVELOPMENT SERVICES COMMITTEE



DELEGATED

- All householder applications, (**Planning or Listed Building**) where recommendation (approve or refuse) is consistent with Development Plan & EAC Design Guidance AND subject to no more than **4** objections.
- Full & outline applications, including change of use, for small scale non-householder developments or minor works (e.g. residential developments under 10 units) which NOT subject to objection **and where recommendation** accords with the Development Plan.
- Full applications to revise 10 or more houses; where a detailed consent is already in place and where there is no change to the overall number of units or to the character of the original consent; and NOT subject to objection.
- Applications for approval of reserved matters unless previously agreed that such reserved matters should be determined by a Committee.
- Applications where ONLY objections are from Amenity Body(s) and our recommendation (approve or refuse) is consistent with Development Plan and EAC Design Guidance.
- Approval or Refusal of Mobile Phone Masts (and related telecommunications development) NOT subject to objection AND where recommendation consistent with Policy.
- Applications for Listed Building Consent, except complete demolition of category "A" & "B", and Conservation Area Consent, where recommendation is approval.
- Shopfronts including Refusals
- Advertisement Applications including Refusals.
- Single Caravans
- Single dwellings in the countryside **where recommendation accords with Development Plan**
- Rowallan Business Park industrial development that accords with the EALP or an Outline Consent.
- Certificates of Existing/Proposed, Lawful Use or Develop.
- Prior Notification of Agricultural and Forestry Buildings, relevant development by Electricity and Gas Suppliers, demolition of buildings, Toll Road facilities
- Claims for Hazardous Substances Deemed Consent
- All applications to top, lop or fell trees covered by TPO if proposal follows Leisure advice (irrespective of objections or recommend)
- Making Provisional TPO
- Section 75 Agreements, where application is delegated.
- Enforcement Actions, provided any costs are within Development Services Revenue budgets
- Consultations with the neighbouring planning authorities regarding planning applications
- "A decision on whether or not an EIA is required and the adoption and notification of a screening and/or a scoping opinion under the Environmental Impact Assessment (Scotland) Regulations 1999 in respect of the need for and content of an Environmental Impact Assessment".
- Initiate and confirm road stopping up procedures where a planning consent
- **Refusals on basis of insufficient information**

WEEKLY RECOMMENDATIONS

- **Making of full TPO**
- **Applications involving a minor departure from the EALP or raising a new but minor planning issue**
- **Larger applications which accord with the EALP and are of area significance**
- **Removal of agricultural occupancy conditions from existing dwelling**
- **Conservation Area consents involving complete demolition where recommendation consistent with the Development Plan.**
- **Listed Building consents involving complete demolition of category "A" or "B".**

LOCAL PLANNING COMMITTEES

- 'Delegated' applications which are:
1. Subject to an objection, unless specific exempted category under "delegated" column
 2. Recommended for refusal; but not adverts, shopfronts or telecom masts (see Delegated list)
 3. Agreed by Director of Development Services or Head of Planning in consultation with the Chair to be determined by Local Planning Committee
- Hazardous Substance Consents (not deemed consent claims)
 - Section 75 Agreements, where application is a LPC item
 - EIA Development, unless required to go to Dev. Services
 - New minerals extraction and all revisions or extensions to minerals extraction and applications for minerals railways and railheads, if substantially in accordance with the OCC Subject Plan.

DEVELOPMENT SERVICES COMMITTEE

- Applications referred from Local Committee as the relevant Local Committee decides against recommendation of Head of Planning and agrees approval of an application which is a significant breach of Council Policy OR refusal of an **application on the basis of the principle of that development and where the principle** is in accordance with the EALP.
- Applications involving a significant departure from the EALP or raising a significant new planning issue to the Council
- New Industrial Site on land not zoned for industry
- 5 hectares or more industrial develop outwith marketable land supply
- Listed Building Enforcement Actions, specifically execution of works required by Listed Building enforcement notice, compulsory purchase of listed buildings in need of repair, repairs notices
- Applications requiring notification to Scottish Ministers (excluding LB Consents and Conservation Area Consents)
- Applications for Notices of Intention to Develop where referral to Scottish Ministers is required
- Use of strategic sites for other purposes including general indust
- Retail & Warehousing >2000m²
- Tourism/Leisure of >£1 million
- Commercial Renewable Energy & waste transfer sites
- New minerals extraction and all revisions or extensions to minerals extraction and applications for minerals railways and railheads, where a **significant** departure from OCC Subject Plan.

EAST AYRSHIRE COUNCIL

LIST OF WEEKLY RECOMMENDATIONS

APPLICATIONS TO BE DETERMINED BY THE HEAD OF PLANNING DEVELOPMENT AND BUILDING STANDARDS UNLESS A REQUEST IS RECEIVED BY AN ELECTED MEMBER THAT THE APPLICATION SHOULD BE CONSIDERED BY THE RELEVANT LOCAL PLANNING COMMITTEE.

Application Number	Applicant	Site
05/09998/FL WARD 99	Mr John Brown 37 Walker Boulevard Benston	Walker Boulevard Benston

Development Description

Erection of new dwelling house within rear garden area.

Objections

Five letters of objection have been received; the objections in summary relate to loss of privacy, inadequate access, loss of light and inadequacy of drainage provision.

Consultations

A full range of consultations have been undertaken. Scottish Water do not object to the proposal. There are no adverse comments from the other consultees but the Roads Division will require three off-street parking spaces and a vehicle manoeuvring area to be provided.

Development Plan

The application is consistent with the East Ayrshire Local Plan.

Considerations / Recommendation

The application is consistent with the local plan and is acceptable subject to the use of appropriate conditions. It is recommended that it be approved subject to conditions.

Application Number
05/09999/FL
WARD 99

Applicant
Mrs F Green
1 Leven Terrace
Benston

Site
Leven Terrace
Benston

Development Description

Demolition of two storey storage building

Objections

One letter of objection has been received from the Architectural Heritage Society of Scotland on the basis that no scheme has been submitted for the suitable redevelopment of the site.

Consultations

The consultees offer no comments other than the Architectural Heritage Society of Scotland detailed above and the Benston Community Council that expresses concern that the applicants have not given thought to the future redevelopment of the site.

Development Plan

The application is contrary to the terms of the East Ayrshire Local Plan, (ENV 1 & 2)

Considerations / Recommendation

The application is contrary to the adopted Local Plan and there are no material considerations to indicate approval. It is recommended that the application be refused as contrary to the local plan and because of its adverse visual impact on the Conservation Area.