

Rother District Council

Report to: Planning Committee

Date: 11 November 2022

Title: Revision to the Planning Scheme of Delegation and Other Related Changes

Report of: Ben Hook, Director – Place and Climate Change

Ward(s): All

Purpose of Report: The purpose of this report is to seek amendments to the scheme of delegation to improve the process of planning application approval.

Officer

Recommendation(s): **It be RESOLVED:** That the:

- 1) officer scheme of delegation in respect of the Planning Service be amended in line with the changes set out in Appendix A; and
- 2) Part 8 of the Council's Constitution be amended accordingly.

Introduction

1. During March 2021, iESE was engaged to carry out a review of the Council's Planning Service. The purpose of the review is to improve the overall performance of the planning department to meet the rising demand of planning applications, which need appraising in a modern, customer-focused and responsive manner.
2. As part of this process the Interim Development Manager has been tasked with identifying areas for operational improvement, removing bottlenecks in the application process, and reducing the backlog of applications that has built up over a number of years.
3. Planning Enforcement has also seen a significant rise in backlog, which is more directly related to the COVID-19 pandemic and the moratorium on new enforcements in the courts in 2020 and 2021. As such the Interim Development Manager has also been tasked with identifying areas for operational improvement, removing bottlenecks in the enforcement process, and reducing the backlog of cases.
4. One small but critical bottleneck has been identified in the application sign off process. The requirement for all applications to be signed off by a principal planner who is also a member of the Royal Town Planning Institute has meant that all applications must be checked and signed off by one of only four planners in the development management team (including the Interim Development Manager). By expanding this function out to any principal or senior planner we could see an improvement in the throughput of minor and householder applications being decided by junior planning officers.

5. In relation to enforcement notices the current arrangement is that all notice must be approved by the solicitor to the Council. Given the slow processing times within the legal department it is recommended that the constitutional change to consult rather than approve will enable more straight forward enforcement notices to be processed far quicker.
6. In accordance with Article 15 - Review and Revision of the Constitution, 15.3 Changes to the Constitution, as this matter is in connection with officer delegations that flow from the Planning Committee, these matters do not require full Council approval.

Financial Implications

7. No additional financial implications identified.

Legal Implications

8. Amend the delegation scheme in the Constitution.

Risk Implications

9. Failure to revise the officer delegations within the Council's Constitution to simplify the planning delegation system will mean a continuation of a cumbersome and resource intensive system adding continuing pressure on an already over stretched planning department.

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Appendices:	N/A
Relevant previous Minutes:	N/A
Background Papers:	N/A
Reference Documents:	N/A

AMENDMENTS TO PART 8 OF THE CONSTITUTION OF ROTHER DISTRICT COUNCIL – DELEGATIONS

APPLICATIONS – SIGNING OFF APPLICATIONS

REPLACE:

3.1.4 To approve minor amendments to planning consents and to approve or disapprove any matter submitted as a condition of planning approval or in relation to a planning obligation made under S106 of the Town and Country Planning Act 1990. Function also to be exercised by Team Leader & North Bexhill Manager, Major Applications and Appeals Manager, Principal Officers (Level 5) and Senior Officers (Level 4) who are also Chartered Town Planners (MRTPI). (P)

3.1.5 To deal with applications for Lawful Development Certificates under S191 and S192 of the Town and Country Planning Act 1990. Function also to be exercised by the Team Leader & North Bexhill Manager, Major Applications and Appeals Manager, Principal Officers (Level 5) and Senior Officers (Level 4) who are also Chartered Town Planners (MRTPI). (P)

WITH:

3.1.4 To approve minor amendments to planning consents and to approve or disapprove any matter submitted as a condition of planning approval or in relation to a planning obligation made under S106 of the Town and Country Planning Act 1990. Function also to be exercised by Team Leaders, Principal Officers (Level 5) and Senior Officers (Level 4) of Development Management

3.1.5 To deal with applications for Lawful Development Certificates under S191 and S192 of the Town and Country Planning Act 1990. Function also to be exercised by the Team Leaders Principal Officers (Level 5) and Senior Officers (Level 4) “

ENFORCEMENT – SIGNING OFF CASES

CHANGE FROM:

3.1.14 To decide not to investigate alleged breaches of planning control where it is considered that the matter is not having a serious impact on amenity or the environment, having regard to the provisions of the development plan and any other material considerations and in this regard no investigations shall take place in respect of anonymous complaints or in respect of slight variations which would otherwise be permitted by the Town & Country (General Permitted Development) Order 2015 (as amended) or other minor development that amounts only to a technical breach. (P)

3.1.15 To decide to take no further action on breaches of planning control that have been investigated and are not having a serious impact on amenity or the environment, having regard to the provisions of the development plan and any other material considerations. Function also to be exercised where appropriate by the Team Leader & North Bexhill Manager and the Major Applications and Appeals Manager. (P)

3.1.16 To take enforcement action, acting through the Solicitor to the Council in respect of breaches of planning control, under Section 172 of the Town and Country Planning Act 1990 which are having a serious impact on amenity or the environment, having regard to the provisions of the development plan and any other material considerations. The Solicitor to the Council be authorised to take any other steps necessary to remedy the breach of planning control including legal action under Sections 179 and 181 of the Town and Country Planning Act 1990. Function also to be exercised where appropriate by the Team Leader & North Bexhill Manager and the Major Applications and Appeals Manager. (P)

3.1.17 To issue notices under Section 215 of the Town and Country Planning Act 1990, acting through the Solicitor to the Council. The Solicitor to the Council be authorised to take any other steps necessary to secure compliance with the notice including legal action under Section 216 of the Town and Country Planning Act 1990. Function also to be exercised where appropriate by the Team Leader & North Bexhill Manager and the Major Applications and Appeals Manager. (P)

3.1.18 To serve Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990. Function also to be exercised where appropriate by the Team Leader & North Bexhill Manager and the Major Applications and Appeals Manager. (P)

3.1.19 To serve Temporary Stop Notices under Section 171E or Stop Notices under Section 183 of the Town and Country Planning Act 1990, acting through the Solicitor to the Council. Function also to be exercised where appropriate by the Team Leader & North Bexhill Manager and the Major Applications and Appeals Manager. (P)

3.1.20 To exercise the Council's functions under Section 224 of the Town and Country Planning Act 1990 to remove or obliterate unlawful placards and posters. Function also to be exercised where appropriate by the Team Leader & North Bexhill Manager and the Major Applications and Appeals Manager. (P)

3.1.21 Acting through the Solicitor to the Council to commence legal proceedings in respect of anyone displaying advertisements otherwise than in accordance with the Town and Country Planning (Control of Advertisements) Regulations, under Section 224(3) of the Town and Country Planning Act 1990. Function also to be exercised where appropriate by the Team Leader & North Bexhill Manager and the Major Applications and Appeals Manager. (P)

3.1.22 Acting through the Solicitor to the Council, to withdraw an enforcement notice which has been complied with, where it is considered that the breach of planning control cannot be repeated, or waive or relax any requirements of any notice under Section 173A of the Town and Country Planning Act 1990. Function also to be exercised where appropriate by the Team Leader & North Bexhill Manager and the Major Applications and Appeals Manager. (P)

3.1.23 Acting through the Solicitor to the Council, to extend the period for compliance with any enforcement notice under Section 173A where that would be expedient; such extension not to exceed 12 months. Function also to be exercised where appropriate by the Team Leader & North Bexhill Manager and the Major Applications and Appeals Manager. (P)

TO:

3.1.14 To decide not to investigate alleged breaches of planning control where it is considered that the matter is not having a serious impact on amenity or the environment, having regard to the provisions of the development plan and any other material considerations and in this regard no investigations shall take place in respect of anonymous complaints or in respect of slight variations which would otherwise be permitted by the Town & Country (General Permitted Development) Order 2015 (as amended) or other minor development that amounts only to a technical breach. Function also to be exercised where appropriate by the Planning Service Managers, Development Manager and the Development Management Team Leaders. (P)

3.1.15 To decide to take no further action on breaches of planning control that have been investigated and are not having a serious impact on amenity or the environment, having regard to the provisions of the development plan and any other material considerations. Function also to be exercised where appropriate by the Planning Service Managers, Development Manager and the Development Management Team Leaders. (P)

3.1.16 To take enforcement action, having first consulted with the Solicitor to the Council in respect of breaches of planning control, under Part V11 and Part VIII of the Town and Country Planning Act 1990 which are having a serious impact on amenity or the environment, having regard to the provisions of the development plan and any other material considerations. The Solicitor to the Council be authorised to take any other steps necessary to remedy the breach of planning control including legal action under Part VII and Part VIII of the Town and Country Planning Act 1990. Function also to be exercised where appropriate by the Planning Service Managers, Development Manager and the Development Management Team Leaders. (P)

3.1.17 to issue Notices under Powers to require information in relation to Notices of the land under S330 of the Town and Country Planning Act 1990 and to issue Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990. Function also to be exercised where appropriate by the Planning Service Managers, Development Manager and the Development Management Team Leaders. (P)

3.1.18 Acting through the Solicitor to the Council, to withdraw an enforcement notice which has been complied with, where it is considered that the breach of planning control cannot be repeated or waive or relax any requirements of any notice under Section 173A of the Town and Country Planning Act 1990. Function also to be exercised where appropriate by the Planning Service Managers, Development Manager and the Development Management Team Leaders. (P)

3.1.19 Acting in consultation with the Solicitor to the Council, to extend the period for compliance with any enforcement notice under Section 173A where that would be expedient; such extension not to exceed 12 months. Function also to be exercised where appropriate by the Planning Service Managers, Development Manager and the Development Management Team Leaders. (P)