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## **PLANNING – DETAILED SCHEME OF DELEGATIONS**

### **1 SUMMARY**

- 1.1 This report seeks Members' views on amendments to the detailed scheme of delegations for delivering the planning service, including primarily development control decisions and dealing with planning enforcement matters.

### **2 PROPOSED SCHEME**

- 2.1 The proposed detailed scheme of delegations to the Head of Planning Services is attached as Appendix 1 to this report. The scheme is broken down into four main sections relating to issues to be determined under the provisions of the Town & Country Planning Act 1990, the Building Act 2000, general delegations relating to planning and building control, and specific delegations by planning application type.
- 2.2 The scheme as proposed includes several alterations as follows:
- *Deemed County Consents* - this category includes consultations on the renewal of temporary classrooms, the replacement of temporary school buildings, first time permanent or temporary school buildings and minor alterations to sheltered housing schemes, eg, provision of a new lift shaft. At present the Head of Planning Services has delegated authority to deal with renewal of temporary classrooms and replacement of temporary school buildings. It is proposed that the delegated authority be widened to cover all County deemed applications.
  - *County Matter Applications* - These are primarily waste and mineral applications and in the recent past have involved, for example, the provision of hoppers, flares, changes in conditions, and brick earth extraction, etc. A response is required within 21 days. Consultation letters on County Matter Applications now indicate that responses must be received within this period else there can be no guarantee that the Council's views will be taken into account. It is proposed that a response to such consultations be delegated to the Head of Planning Services in consultation with the Chairman of the Committee and the Ward Members.
  - *Screening Opinions on Environment Assessment* - In some cases the local planning authority is required to provide a formal screening opinion as to whether or not an Environmental Assessment is required for a proposed development scheme in accordance with the provisions of the Town & Country Planning (Environmental Impact Assessment)

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(England & Wales) Regulations 1999. This is a technical assessment and the authority's decision, which must be reached within a 3 week period, is made available for public inspection on the planning register. Given the technical nature of the opinion and the short time scales involved, it is suggested that this matter be delegated to the Head of Planning Services to determine.

**3 DISCUSSION**

- 3.1 The Government has introduced a new Best Value performance indicator for 2002/2003 which requires local planning authorities to record the percentage of applications dealt with under delegated powers. The target performance figure set by the Government is that 90% of the decisions should be delegated.
- 3.2 The percentage of applications delegated in Rochford over the last few years is as follows:

•	1997/98	77%
•	1998/99	86%
•	1999/00	86%
•	2000/01	85%
•	2001/02	91%

Therefore, only in the last year has Rochford determined more than 90% of applications under delegated powers, though for the previous three years the percentage achieved was very close to the target figure. Overall, it is concluded that the current scheme of delegation with the amendments proposed, together with the continuation of the weekly list system, should ensure that the 90% target can continue to be achieved in the future.

**4 RECOMMENDED**

That, subject to Members' views and comments, the revisions to the planning scheme of delegation be passed to the Planning Services Committee with a recommendation that they be adopted (HPS).

Shaun Scrutton

Head of Planning Services

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**Appendix 1**

**Delegated to the Head of Planning Services**

**A. Under the Provisions of the Town & Country Planning Act 1990**

- i. To make determinations under Section 56 as to whether a development has commenced
- ii. To determine applications for established use and issue certificates under Sections 191 and 192
- iii. To serve planning contravention notices under Section 171(c)
- iv. To issue and serve Untidy Site Notices under Section 215
- v. To complete agreements under Section 106 in respect of planning applications determined under delegated authority.

**B. Under the Provisions of the Building Act 2000**

- i. To determine applications under the provisions of the Act.

**C. General delegations**

- a. Authorise officers to dispense informal planning [and building control] advice and informal consultations at their own discretion, taking into account the [legislation and] regulations in place at the time
- b. Accept and agree amendments to submitted applications at his/her discretion
- c. Determine applications on the Weekly List in accordance with the recommendations unless within the agreed timescale a request is received for an application to be referred to the Planning Services Committee
- d. Complete obligations or agreements under Section 106 of the Town & Country Planning Act 1990 in respect of planning applications determined under delegated authority
- e. Carry out street numbering schemes
- f. Take all necessary action to remedy breaches of planning control relating to the use of land for sales or markets including car boot sales

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- g. Take all necessary enforcement action to secure the removal of advertisements appearing in contravention of regulations for the control of advertisements
  - h. Set the necessary charges for the Building Regulation function
  - i. Issue enforcement notices in respect of unauthorised caravan sites
  - j. In respect of enforcement investigations, decide 'no actionable breaches of planning control' and consequently that no further action be taken
  - k. Respond to consultations on planning applications submitted to other local authorities which, if they were within the District, would fall within delegated powers, or where the Planning Services Committee has previously considered an application and a further similar application or subsequent details are submitted
  - l. Provide 'screening opinions' in accordance with the provisions of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999.

**D. Categories of delegation related to planning applications**

- i. Private garages within curtilage of established residential properties
- i. New or altered means of access to existing developments subject to the necessary consultations with the Highway Authority
- ii. Shop fronts relating only to shopping uses outside and not materially affecting designated Conservation Areas
- iii. Fences, boundary walls and other means of enclosure to residential properties
- iv. The approval of reserved matters relating to landscaping and external materials
- v. Minor amendments to approved plans
- vi. The temporary siting of caravans where an approved building is in the course of construction
- vii. All extensions to residential buildings
- viii. Refusal because of Metropolitan Green Belt policy

- ix. Changes of use in accordance with an appropriate formal planning policy or plan
- x. Applications for changes of use of land to private residential gardens
- xi. Advertisements outside Conservation Areas and/or which do not affect the character or setting of Listed Buildings
- xii. Listed Building Consent where a concurrent planning application is within the existing delegation scheme
- xiii. Listed Building Consents where the building work involved does not require planning permission
- xiv. To determine applications under the prior notification procedures in Part 6 (agricultural development), Part 7 (forestry development) and Part 24 (telecommunications development) of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995
- xv. To determine applications under the provisions of the Town & Country Planning (Demolition - Description of Buildings) Direction 1992: Planning Controls over Demolition (DoE Circular 16/92).
- xvi. To respond to consultations on County Matter applications in consultation with the Chairman of the Planning Services Committee and the Ward Members.
- xvii. To respond to consultations on Deemed County consent applications.