

ECONOMIC DEVELOPMENT AND ENTERPRISE OVERVIEW AND SCRUTINY COMMITTEE

PLANNING APPEALS

Lead Member: Councillor W Southward

Lead Officer: Tony Pomfret – Development Control Manager

Recommendation: That Members note the actions taken to improve development control service delivery, primarily arising from the revised scheme of delegation for the determination of planning applications, and the resultant achievement of top quartile performance measured against national standards.

1.0 BACKGROUND

- 1.1 In 2008 this Committee set up a Task and Finish Group to look at how appeals against planning decisions are dealt with by the Council.
- 1.2 In a report dated 21 August 2008 the Task and Finish Group recommended that the Council, via the Planning Panel, implement the following measures:-
- a) a review by the Development Control Manager of the amount of planning decisions that are made by delegated authority should be submitted to the Planning Panel as soon as possible.
 - b) the final version of the Copeland Local Plan 2001-2016 should be published as soon as possible.
 - c) a convention should be introduced that members of the Planning Panel should have attended training on development control and planning issues before they can serve on the Panel, and
 - d) a further 6 month review of these recommendations be undertaken to ensure that satisfactory progress is made on these outstanding matters.

2.0 ACTION TAKEN

- 2.1 A revised scheme of delegation for the determination of planning and other applications was unanimously supported by the Planning Panel on 4 February 2009 and subsequently endorsed by Full Council. A copy of the approved scheme is attached (Appendix 1). Since adoption of the revised delegation scheme:-
- i) the percentage of applications determined under its provisions has reached 88% over the year which is a significant improvement on the 60-70% previously achieved although slightly below the Government's target of 90%.
 - ii) the duration of Planning Panel meetings has reduced significantly, now rarely exceeding 1.5 hours whereas meeting lasting 3 hours were previously not uncommon.
 - iii) there has been very positive feedback from service users, including applicants, agents and Parish/Town Councils.
- 2.2 The final version of the Copeland Local Plan 2001-2016 was published as a consolidated document in February 2009.
- 2.3 Annual planning training sessions by external providers (Trevor Roberts Associates) are now an established part of the Member Training Plan and are open to all elected members. The last training day took place on 19 May 2009 when a workshop based on "The Role of Councillors in Planning – Propriety and Good Practice" was particularly well attended.
- 2.4 In terms of planning appeals, all 6 appeals determined in 2009/10 have been dismissed, placing Copeland in the top quartile for percentage of planning appeals allowed (BVPI 204). It is also pleasing to note that top quartile performance has also been maintained throughout the year for speed of determination of planning applications (BVPI 157(a), (b) & (c)) as indicated in the attached table (Appendix 2).

3.0 CONCLUSION

- 3.1 The revised scheme of delegation for the determination of planning applications appears to be working well and has been widely supported by service users generally. The expeditious determination of applications has greatly assisted in achieving top quartile performance against national indicators. Top quartile performance has also been achieved in 2009/10 for the percentage of planning appeals allowed.

- 3.2 The significant reduction in the number of planning applications referred to the Planning Panel for determination has resulted in more time being afforded to those major/more contentious applications required to be determined by the Planning Panel. The overall duration of the meetings, however, has still been considerably reduced.
- 3.3 The Committee is invited to consider and support the recommendation at the head of this report.



COPELAND BOROUGH COUNCIL

SCHEME OF DELEGATION FOR THE DETERMINATION OF PLANNING AND OTHER APPLICATIONS.

The power to make decisions is delegated to the Development Control Manager or, in his / her absence, the Head of Development Operations.

He / she has the power to determine all planning applications and applications for Listed Building Consent; Conservation Area Consent; Advertisement Consent; Certificates of Lawfulness or whether Prior Approval is required in relation to all notifications under the GPDO 1995 (as amended) for telecommunication, agricultural and forestry developments and demolitions and also to comment on proposals to be decided by Cumbria County Council or the Lake District National Park Authority WITH THE FOLLOWING EXCEPTIONS:-

- (a) Any application which a Member of the Council has requested be referred to the Planning Panel for determination. Such a request shall be submitted in writing / by email to the Development Control Manager within 21 days from circulation of the weekly list of planning applications on which such application appears and shall set out the reasons for requesting referral of the application to the Planning Panel.
- (b) Applications for the erection of 10 or more dwellings or, if the number is not known, where the site area is 0.5 hectares or more.
- (c) Applications for buildings where the floorspace to be created is 1000 square metres or more, or on a site of 1.0 hectare or more.
- (d) Applications recommended for approval / refusal which are contrary to the provisions of the Statutory Development Plan or other adopted or approved Council planning policies or supplementary planning guidance.
- (e) Applications submitted by or on behalf of the Council; applications in which the Council has a property or other financial interest; applications by or on behalf of any member of the Development Directorate staff or other Senior Council Officers, either as applicant or agent and applications by or on behalf of any elected Member, either as applicant or agent.
- (f) There are substantive objections from one or more statutory consultees such as Cumbria Highways, English Heritage or the Environment Agency raising material planning considerations contrary to officer recommendation.
- (g) There are substantive objections from a Parish / Town Council raising material planning considerations contrary to officer recommendation.

APPENDIX 2.

DEVELOPMENT CONTROL PERFORMANCE MONITORING 2009/10

	3 rd Quarter (Oct – Dec)	Cumulative (Apr-Dec)
PI 157 (a) Major planning applications Dealt with < 13 weeks Target is 60% Top quartile is 81.64%	100% (1 out of 1)	88.89% (16 out of 18)
PI 157(b) Minor planning applications Dealt with < 8 weeks Target is 65% Top Quartile is 84.04%	92.10% (35 out of 38)	94.31% (116 out of 123)
PI 157(c) Other planning applications Dealt with < 8 weeks Target is 80% Top Quartile is 92.12%	92.18% (59 out of 64)	97.93% (236 out of 241)
PI 204 % of planning appeals allowed Target is 25%	0% (3 appeals - All dismissed)	0% (6 appeals all dismissed)