

Report to: Governance Committee

Date of meeting: 19 September 2017

By: Director of Communities, Economy and Transport

Title: Amendment to Constitution – Scheme of Delegation to Officers

Purpose: To seek approval to change the Scheme of Delegation in relation to the determination of Listed Building Consents by East Sussex County Council

RECOMMENDATION: The Governance Committee is recommended to recommend the County Council to agree to amend the Scheme of Delegation to Officers as set out in paragraph 3.1 of this report.

1 Background Information

1.1 The County Council's Scheme of Delegation provides the Director of Communities, Economy and Transport with the authority to determine planning applications, which fall to be determined by the County Council, where the proposal is considered to be in accordance with the Development Plan and the relevant and current planning policies. The proviso for this delegated authority is that less than two objections are received on the planning application.

1.2 As currently worded, the aforementioned delegated authority does not apply to applications for Listed Building Consent that are received and are to be determined by the County Council. Such applications will almost solely be for County Council proposals. This means that any application for Listed Building Consent received by the County Council has to be determined by the Planning Committee, even if no objections have been received and that the proposal is Development Plan compliant.

2 Supporting Information

2.1 Historically, the County Council has received and determined very few applications for Listed Building Consent. However, in the past 2 years a number of applications have been received and determined by the County Council and a number of further such applications are considered likely in the near future. The refurbishment of Hastings Library is one example of a County Council development that has led to the need for a number of Listed Building Consents.

2.2 Often the applications received for Listed Building Consent are for relatively minor works, or alterations to the buildings in question. They invariably do not generate objections and/or very little debate when considered by the Planning Committee. All decisions taken on Listed Building Consents, by the County Council's Planning Committee over the past 5 years, have been in accordance with the case officer's recommendation.

2.3 The refurbishment of Hastings Library has demonstrated that the need for Listed Building Consent is often generated during the building works being undertaken, as amendments are often required to a scheme that has been previously approved. With this being the case, there is often a pressing need, from the applicant/developers perspective, for the relevant application to be determined in a timely manner. This accords with the Government's clear expectation that planning decisions are made as quickly as possible.

2.4 Inevitably, planning decisions that are taken by the Planning Committee often take longer than those determined under delegated authority. Therefore, having the ability to determine certain applications for Listed Building Consent under delegated authority will be seen as a significant benefit to applicants/developers and help meet the Government's expectations around the time it takes to make planning decisions. Having this delegated authority will also ensure that the County Council has a consistent approach to the decision making process for all planning decisions.

2.5 There will still be occasions when there will be clear benefits and/or a democratic need for the Planning Committee to make a decision on an application for Listed Building Consent. As

well as applications that generate objections, there could also be occasions where the decision to be taken is finely balanced and would therefore benefit from being taken by a Committee in a public meeting. Such applications would be referred to the Planning Committee.

3 Proposed amendment to the Scheme of Delegation

3.1 In light of the above, it is proposed to add the following delegation to the scheme of delegation to the Director of Communities, Economy and Transport

“To determine applications for Listed Building consent for alterations, extension or demolition of a Listed Building under the Planning (Listed Buildings and Conservation Areas) Act 1990, where the proposal is considered to be in accordance with the development plan and current planning policies, except where two or more objections have been received within the consultation period.”

4. Conclusion and Reason for Recommendation

All planning decisions need to be taken as quickly as possible and the current Scheme of Delegation aids in this, but only for planning applications that are Development Plan compliant and have not received more than one objection. The proposed addition to the Scheme of Delegation would extend this provision to applications for Listed Building Consent. This would provide a clear benefit to applicants/developers, whilst not undermining the democratic accountability of the planning process.

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LOCAL MEMBERS

ALL

BACKGROUND DOCUMENTS

None