

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 9 APRIL 2019

SERVICE LEADER PLANNING AND COMMUNITIES: SCHEME OF DELEGATION

REPORT BY KATE COWEY, SERVICE LEAD PLANNING AND COMMUNITIES

ABSTRACT

This report outlines the examination of the Development Standards Scheme of Delegation by the Short Life Working Group and proposes acceptance of minor changes to the Scheme of Delegation to be placed before Angus Council for consideration.

1. RECOMMENDATION(S)

It is recommended that the Development Standards Committee:

- (i) agree the Planning Scheme of Delegation as proposed in Appendix 1; and
- (ii) agree to place the Scheme of Delegation before Angus Council for approval before submission to Scottish Ministers.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

By ensuring an effective and efficient Development Management service, this report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

ECONOMY

- An inclusive and sustainable economy
- Attractive employment opportunities

PEOPLE

- Improved physical, mental and emotional health and well-being

PLACE

- An enhanced, protected and enjoyed natural and built environment
- A reduced carbon footprint
- Safe, secure, vibrant and sustainable communities

3. BACKGROUND

The Council's first Scheme of Delegation was approved by the Scottish Government on 26 June 2009 and came into effect from 3 August 2009. In January 2014, a Short Life Working Group was set up following agreement at Development Standards Committee (Report 64/14 refers). This Short Life Working Group met on one occasion, resulting in report back to Development Standards Committee in April 2014 (Report 162/14 refers) and a revised Scheme of Delegation being approved by Ministers in June 2014.

The Scheme requires to be reviewed at least every five years. In December 2018 the Development Standards Committee agreed the formation of a Short Life Working Group to examine the Development Standards Scheme of Delegation (Report 388/18 refers). The agreed terms of reference being:

- (i) To examine the current Scheme of Delegation and to consider whether any changes are required within the context of the Planning etc (Scotland) Act 2006 to further improve the efficiency and effectiveness in determining planning applications etc within the Council's area.

- (ii) That the Short Life Working Group will consist of officers and four members who will meet as and when required. The Short Life Working Group shall ensure that any proposed changes to the Scheme of Delegation adhere to the principles of the Planning etc (Scotland) Act 2006.
- (iii) That the Service Lead Planning and Communities be instructed to report back in the first instance to the Committee on the conclusions of the Working Group and onward to Council for approval of the Scheme of Delegation.

The Short Life Working Group has had one meeting on the 12 March 2019 and its findings are discussed under Planning Considerations below.

4. PLANNING CONSIDERATIONS

For the last financial year from 1 April 2017 to 31 March 2018, 96.4% of applications were delegated to officers for determination with householder applications determined in an average of 5.6 weeks, and other local developments determined in an average of 7.4 weeks. Both figures compare favourably with the Scottish average of 7.3 weeks for householder applications and 9 weeks for local applications. Of applications determined, 96.4% were approved.

The following table shows the percentage of appeals made to the Development Management Review Committee where the appeal was determined in accordance with the delegated officer's decision.

Year	Number of decisions	% determined in accordance with the delegated officer's decision
2018/19 to date	7	100
2017/18	14	42.9
2016/17	9	100
2015/16	9	64.3
2014/15	12	80

The Short Life Working Group considered that the current Scheme of Delegation had operated well and helped to promote efficient and high quality decision making in accordance with the Scottish Government's intention that planning authorities should make the most effective use of powers to delegate decisions on straightforward planning applications to officers, allowing elected members to focus attention on more complex or controversial applications. The Short Life Working Group acknowledged that where an application had been determined under the S43A scheme of delegation and has been refused by an appointed officer; granted subject to conditions; or has not been determined within the period allowed for determination; the applicant had a right to a review of the case by the Development Management Review Committee.

The Short Life Working Group considered whether any significant issues had arisen in the operation of the current Scheme of Delegation and whether further amendment was necessary.

The Short Life Working Group concluded that the current Scheme of Delegation remained appropriate but that further clarification would be appropriate in relation to criterion (b). Legal advice was sought in relation to this and a form of wording was proposed.

6. FINANCIAL IMPLICATIONS

There are no financial implications arising from the recommendations contained in this report.

7. OTHER IMPLICATIONS (IF APPLICABLE)

The Council is required by Regulations to prepare a Scheme of Delegation every five years. The current Scheme of Delegation was approved by Ministers in June 2014. Consideration of the contents of the Scheme of Delegation will allow an amended Scheme of Delegation to be reviewed and approved by Scottish Ministers before June 2019.

KATE COWEY
SERVICE LEADER – PLANNING & COMMUNITIES

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

REPORT AUTHOR: KATE COWEY
EMAIL DETAILS: PLANNING@angus.gov.uk
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Service Leader - Planning and Communities

The Service Leader – Planning and Communities or other such officer as appointed by the Service Leader – Planning and Communities is authorised

- (1) In respect of the Council's Development Management functions:-
- (ii) to determine planning applications, and applications for consent, agreement or approval required by a condition imposed on a grant of planning permission, with the exception of:
 - (a) applications defined as being National or Major;
 - (b) applications which attract five or more material planning objections which are recommended for approval (more than one objection from the same individual, household or organisation will count as one objection for the purposes of the scheme of delegation);~~applications which attract five individual objections (i.e. from five different individuals, organisations or households or a combination thereof) which are recommended for approval;~~
 - (c) applications which are significant departures from the Development Plan which are recommended for approval;
 - (d) applications which attract objections from statutory consultees, including Community Councils which are recommended for approval;
 - (e) applications recommended for approval which are submitted by any Angus Council Department or Division or where Angus Council owns the land subject to application or where Angus Council have a financial interest in the land and the application has attracted objection;
 - (f) applications which are submitted by elected members of Angus Council or by senior members of staff employed in the Planning Service.