

Planning Committee

4 February 2020 – At a meeting of the Planning Committee held at 10.30 am at County Hall, Chichester.

Present: Mr High (Chairman)

Mrs Kitchen, Lt Cdr Atkins, Mr Barrett-Miles, Lt Col Barton, Mr McDonald, Mr Patel and Mr Quinn

Absent: Mr S Oakley

Part I

20. Declarations of Interest

20.1 In accordance with the County Council's code of the conduct, there were no declarations of interest made by Committee members.

21. Minutes of the last meeting of the Committee

21.1 Resolved – that the minutes of the meeting held on 7 January 2020 be approved and signed by the Chairman as a correct record.

22. Urgent Matters

22.1 There were no urgent matters.

23. Certificates of Lawfulness - Decision Making

23.1 The Committee considered a report by the Report by Director of Highways, Transport and Planning and Director of Law and Assurance. The report was introduced by Katie Kam, Solicitor, explained the key issues in respect of the proposals and the relevant legislation. It was noted that whilst third-party consultation is not a requirement under the legislation it is recommended in planning guidance as best practice.

23.2 During the debate the Committee raised the following points and clarification was provided by the Planning Officers and Legal Officers, where appropriate:

Point raised - Do other local authorities delegate authority to determine certificates of lawfulness to officers?

Response – Other local authorities do delegate this power to officers.

Point raised – Why has this not been included previously in the WSCC list of delegation.

Response – Applications for certificates of lawfulness are generally quite rare, so it had not been highlighted as an issue previously.

Point raised – How would applications be considered if objections are received and what would be referred to Planning Committee?

Response – Where there are objections, and therefore significant local interest, there must be sufficient contrary evidence in order for the application to be referred to Planning Committee for determination.

Point raised – Would objections from a parish, town or district or borough council count as 'local interest'?

Response – Yes, it would, but as with all information submitted by third parties this must contain sufficient contrary evidence for the matter to be brought to Planning Committee for determination.

Point raised – How would decisions made by officers be reported back to the Committee?

Response – All decisions made under delegated authority will be included on the 'Report of Delegated Action' that is provided to the Planning Committee as a standard item on the agenda.

Point raised – How onerous would it be to Planning Officers to provide reports under delegated authority?

Response – It would be less onerous than providing a report for a Planning Committee meeting because a delegated decision report can be more concise.

Point raised – Concern was raised that delegated decisions for certificates of lawfulness are to be signed off by a 'senior manager' because it is not specified who this will be, nor at which level in the authority that person sits and, therefore, whether there are sufficient safeguards in place to ensure that the process is not misused.

Response – The power is delegated to the Director of Highways, Transport and Planning, in consultation with the Director of Law and Assurance. It matches the process for delegated decisions for other planning applications. This is sufficient to provide safeguards against misuse.

23.3 The substantive recommendation was put to the Committee and approved unanimously.

23.4 Resolved – That Planning Committee delegates to the Director of Highways, Transport and Planning in consultation with the Director of Law and Assurance the determination of applications for a certificate of lawfulness for existing or proposed use.

24. Development Management Performance

24.1 The committee received and noted a report by the Head of Planning Services on development management performance (1 January 2019 – 31 December 2019). The report was introduced by Jane Moseley, County Planning Team Manager, who explained the performance of the County Planning Team in relation to the determination of planning applications and the related compliance work over the past year.

24.2. During the discussion of the item the Committee raised the points below and clarification was provided by the County Planning Manager, where applicable:

Point raised – How much work is involved for the County Planning Team in EIA screening/scoping opinions and is this chargeable?

Response – EIA screening/scoping opinions are a statutory requirement and therefore, not chargeable. It does require a considerable time commitment from Planning Officers and must be completed within a defined 3 week/30 day period respectively. However, this is manageable and a necessary process.

Point raised – Has the County Planning Team been busier this year than in the previous year?

Response – Yes, largely due to the large EIA screening/scoping requests and pre-application requests received during the period.

Point raised – Does the County Planning Team have adequate resources to deal with enforcement matters?

Response – As with most authorities now, enforcement is largely a reactive rather than proactive exercise, but this is acceptable because it highlights the breaches that are having an impact on local people so require investigation will notice if something is having an impact. The team currently has sufficient resources to investigate complaints in a timely manner.

25. Update on Mineral, Waste and Regulation 3 Planning Applications

25.1 The Committee received and noted a report by Strategic Planning, County Planning Manager on applications awaiting determination (copy appended to the signed minutes) detailing the schedule of County Matter applications and the schedule of applications submitted under the Town and Country Planning General Regulations 1992 – Regulation 3.

26. Report of Delegated Action

26.1 The Committee received and noted a report by Strategic Planning, County Planning Manager (copy appended to the signed minutes) applications approved subject to conditions under the Town and Country Planning Act 1990 and Regulation 3 of the Town and Country Planning General Regulations 1992 since the Planning Committee meeting on 7 January 2020.

27. Date of Next Meeting

27.3 The Committee noted that there is no substantive business nor applications to be determined at the scheduled meeting of Planning Committee on 25 February 2020 and, therefore, this meeting is now cancelled.

27.2 The following scheduled meeting of Planning Committee will be on Tuesday, 24 March 2020 at 10.30 a.m. at County Hall, Chichester.

The meeting ended at 11.14 am

Chairman