

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 6 DECEMBER 2012  
 title: PERFORMANCE MANAGEMENT IMPROVEMENT MEASURES – DEVELOPMENT  
 MANAGEMENT  
 submitted by: DIRECTOR OF COMMUNITY SERVICES  
 principal author: JOHN MACHOLC – HEAD OF PLANNING SERVICES

### 1 PURPOSE

1.1 To advise Members of the Government's report in relation to the Growth and Infrastructure Bill and how it refers to poor performing authorities with the possible sanction of decision making being taken away from these authorities.

1.2 It is evident that two of the main benchmarks for a 'poor performing authority' are speed in decision making and number of applications overturned. Recently, this has meant that Ribble Valley Borough Council has been identified as one of the poor performing authorities. It is regrettable that these statistics give no reference to the number of applications received or resources available.

1.3 The purpose of this report is to identify some measures which will assist in driving efficiency which will result in speedier determination of planning applications. I have identified two main measures:

1. Alterations to the Delegation arrangement.
2. Limit the use of Section 106 Agreements and replace with conditions where appropriate.
3. Internal management systems to allow planning officers more time to deal with applications.

1.4 Relevance to the Council's ambitions and priorities:

- Council Ambitions - }
  - Community Objectives - }
  - Corporate Priorities - }
  - Other Considerations - }
- To be a well-managed Council providing efficient services based on identified customer need.

### 2 BACKGROUND

2.1 It is evident that the Government has continued to express concerns in relation to the possible delay that the present system has caused and its impact on driving the economy. This has been emphasised in the Growth and Infrastructure Bill which states that 'the planning system must continue to play a key role in supporting sustainable growth within the tough economic climate by improving efficiency through swift and high quality planning decisions that minimise the costs and delays imposed by the planning system. Part of the impact has been the delay in the determination of planning applications. It is important to explore ways of a enabling quicker decisions without significant harm to the planning process.

- 2.2 It remains important to consider whether or not it is possible to increase the level of delegation on planning applications so that more applications could be determined without the need to go to a Planning and Development Committee.
- 2.3 In relation to the delegation scheme B to make more significant in roads and to allow Members to spend more time focussing on key decision making items, the delegation scheme could be altered in the following way:
- Increase the threshold from 3 to 10 individual household objections in relation to the ability to improve a scheme under delegation.
  - Delegation be given to refuse schemes that relate to applications submitted by Members or staff or close relations.
- 2.4 Planning Advisory Service previously identified how some planning authorities are achieving better planning outcomes by improving the effectiveness and efficiency of the way they make planning decisions by delegation. The common factors characterising this good practice were identified as:
- Maximising the number of delegated planning decisions – delegating higher than 90% of planning decisions, which gives planning committees more time to focus on complex and controversial applications.
- 2.5 It is considered that the delegation scheme in relation to housing proposals should be extended to include all non major proposals which would allow for delegated decisions to be made up schemes that are less than 10 units. The referral request and other criteria would still exist.
- 2.6 Currently all applications that relate to Members or staff of close family are determined by Planning and Development Committee. This was prior to delegation on refusals and I consider that this should be extended so that it is possible to refuse such applications and that only if the applications are to be recommended for approval, should they go are determined by Committee.
- 2.7 It is clear that in many cases applications which are subject to Section 106 Agreements extend well beyond the determination date. The process often adds between 2 and 6 months to decision making. I consider that it is appropriate and in accordance with guidance from the Planning Inspectorate use conditions more frequently rather than a Section 106. This may be on minor schemes where there is no financial contributions which would often necessitate a legal agreement. The use of conditions in relation to affordable housing element has been recently advocated on a recent planning appeal. The use of conditions rather than legal agreements was dismissed at a recent Strategic Housing Group meeting who confirmed that where appropriate, conditions should be used.
- 2.8 It is clear that some Councils operate a system whereby officers are only available for a restricted period, such as mornings which frees up time to carry out inspections and work on applications. I recognise that this has been successful in other Councils, but o not consider a formal system of this manner should operate.

### 3 ISSUES

- 3.1 In assessing the revisions proposed I do not consider this would have a significant detrimental impact on the planning process as major applications would still need to be determined by the Planning and Development Committee. I envisage that the proposed changes will speed up the determination of planning applications and in turn help to facilitate economic growth. As stated previously the "Referral request" procedure would still be possible on such applications.
- 3.2 These changes would lead to an increase in the level of delegation resulting from the changes and assist the Council in progressing towards the national target of between 90%-95%. This change will bring us more in line with similar Councils and I hope will also free up officer time and member time to be available on key applications with the fact that less applications would need to go to Planning and Development Committee and also assist in a speedier determination which in turn may deliver a more prosperous economy.

### 4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:
- Resources – any changes could be met with existing staffing and it may also free up some member and officer time.
  - Technical, Environmental and Legal – No implications identified.
  - Political – No implications identified.
  - Reputation – No implications identified.
  - Equality & Diversity – No implications identified.

### 5 **RECOMMENDED THAT COMMITTEE**

- 5.1 Approve the revised changes to the delegation scheme to include:
- Applications of up to 9 dwellings.
  - Ability to approve applications providing fewer than 10- objections from separately addressed residents received by date of consultation at the time of preparing the report, whatever is the later.
  - Ability to refuse staff and member related applications.
- 5.2 Endorse the procedure to use planning conditions where possible rather than the use of Section 106 Agreements with particular reference to affordable housing elements.

JOHN MACHOLC  
HEAD OF PLANNING SERVICES

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

### BACKGROUND PAPERS

- 1 Current Delegation Scheme.

For further information please ask for John Macholc, extension 4502.

## EXISTING DELEGATION SCHEME 13 SEPTEMBER 2012

- RIBBLE VALLEY BOROUGH COUNCIL
- PLANNING AND DEVELOPMENT COMMITTEE
- SCHEME OF DELEGATION OF DEVELOPMENT CONTROL AND COUNTRYSIDE MATTERS
- LAST REVIEWED 24 MAY 2012

This note is designed to clarify when applications received by the Council in relation to planning, countryside and some other related matters will be decided by the Planning and Development Committee and when those decisions will be delegated to officers of the Council. Many of the delegated items date from the inception of Ribble Valley Borough Council. Where dates are known for later additions they are given. Details of planning decisions made under delegated powers will be reported to Committee for information.

From time to time legislative changes may rename or make minor amendments to some of the listed delegated items. Whilst the scheme of delegation will be amended to reflect these changes, there may be periods where the clear intention must be respected even if precise wording or legislative reference has changed.

These powers are delegated to the Director of Community Services.

1. GENERAL DEVELOPMENT CONTROL
  - (a) Determination as to whether applications are county matters or district matters under Schedule 1 of the Town and Country Planning Act 1990.
  - (b) The statutory or the discretionary need to advertise various types of applications.
  - (c) What statutory or other consultations/notifications are required?
2. APPLICATIONS FOR A CERTIFICATE OF LAWFULNESS AND DISCHARGE OF CONDITIONS
  - 2.1 There are two types of application for a Lawful Development Certificate.

These are:

    - (a) Determination of applications for a Certificate of Lawfulness of existing use or development under Section 191 of the Town and Country Planning Act 1990.
    - (b) Determination of applications for a Certificate of Lawfulness of proposed use or development under Section 192 of the Town and Country Planning Act 1990.
  - 2.2 Applications for the discharge of conditions placed on planning approvals.
  - 2.3 Since all these types of application relate to issues of fact, both refusals and approvals are delegated to the Director of Community Services. **These applications remain delegated even if representations are received.**

### 3. DETERMINATION OF PLANNING APPLICATIONS

- 3.1 Applications submitted on behalf of family members of councillors and officers should be placed before the Planning and Development Committee even if they fall within the below categories.

#### Approvals

- 3.2 The following types of planning application are delegated to the Director of Community Services providing fewer than three objections from separate addresses are received by the date of consultation closure. The total of these includes statutory consultees.

- Applications for up to 3 new dwellings (14/1/12).
- Substitute dwellings on existing plots within an existing housing estate.
- Applications for new access points wither on classified or unclassified roads.
- Applications for a change of use (26/5/94).
- Extensions or ancillary buildings within the curtilage of industrial or commercial buildings subject to the alterations not constituting a major proposals, ie it should be no more than 1000 square metres floor space (this includes temporary buildings) (6/3/03 then 18/12/08).
- All new build commercial premises irrespective of size.
- Proposals for new shop fronts on existing shops.
- Applications for consent to display advertisements.
- Applications for agricultural buildings irrespective of size.
- Proposals to reinforce existing overhead power lines.
- Applications for listed building consent.
- Applications for conservation area consent (11/4/90 and 30/04/09).
- All applications about which the observations of the Council are requested (23/4/98 and 18/12/08).
- Renewals of previously approved schemes (23/4/98).
- Renewals of temporary consents (15/6/99).
- Applications for temporary buildings (15/6/99).
- Reserved matters applications.
- Modification of conditions and minor alterations to Section 106 Agreements. (24/05/12).
- Minor material amendments (14/1/10).
- Non material amendments (14/11/10).
- Ancillary development within the curtilage of a dwelling house (for example, domestic garages, conservatories, porches, greenhouses and means of enclosure etc).
- Extensions to dwellings.
- Revocation requests relating to Section 106 Agreements (24/05/12).

#### Refusals

- 3.3 Planning applications falling into these categories can be refused under delegated powers without prior reference to the Chairman (or if unavailable the Vice Chairman) of Planning and Development Committee.

- Household extensions and curtilage buildings.

- Listed buildings.
- New housing clearly contrary to Policy (To be interpreted by Case Officer in conjunction with Head of Planning Services 24/05/12).
- Applications raising design issues.
- Advertisement proposals.
- Buildings in the open countryside.
- Change of uses that do not generate significant employment issues.
- Reserved matters.

Such delegated refusals can be issued with registered objectors.

### Section 106 Agreements

- 3.4 Negotiations leading to the satisfactory completion of Section 106 Agreements will be delegated to officers unless Committee have formally requested further involvement at the time of the original decision.

### 4. PRIOR NOTIFICATIONS

- 4.1 Proposals for agricultural buildings, demolition work and telecommunications apparatus within certain size and locational thresholds may benefit from permitted development rights. The developers are however required to serve a prior notification upon the Council.

This gives the local authority the opportunity to assess whether planning consent is required and also to seek technical alterations if appropriate. The Council has a limited time to respond; but as failure to issue a decision results in an automatic approval these items need to be delegated regardless of the decision reached.

### 5. ENFORCEMENT

- 5.1 In all cases where there is a breach of planning control, the Director of Community Services is authorised to take the necessary action to regularise the situation, including the service of notice on untidy sites.

### 6. BUILDING PRESERVATION NOTICES

- 6.1 In the case of an unlisted building that is of Special Architectural or Historic interest and is in danger of demolition or alteration, the Director of Community Services is authorised to serve a building preservation notice. (This is sometimes known as spot listing).

### 7. TREE PRESERVATION AND COUNTRYSIDE

- (a) The Director of Community Services is authorised to make provisional tree preservation orders where necessary because of the immediate threat to tree involved.
- (b) Decisions on applications for work on protected trees.
- (c) Confirmation of tree preservation orders when no objections have been received.
- (d) Decisions on notifications under the Hedgerow Regulations.
- (e) Confirmation of public rights of way diversion orders.

- (f) Responses to Lancashire County Council on the consultation stage of footpath diversion orders in liaison with Committee Chairman (or if unavailable the Vice Chairman) and ward member(s).

## 8. OTHER MATTERS

- 8.1 Decisions on whether an application is needed for consent to demolish a building.
- 8.2 Decisions on whether an environmental impact assessment is required for any specific proposal and determination of scoping and screening requests.
- 8.3 The attachment of appropriate conditions to approvals following overturns of officer refusal recommendations to Committee (8/3/01).
- 8.4 Decisions whether or not to use consultants to prepare and present an appeal case is delegated but only following discussions with the Chairman (or if unavailable the Vice Chairman) of the Planning and Development Committee,
- 8.5 Delegation to Director of Community Services or Head of Planning Services to decide to take applications to Planning and Development Committee even if they fall within the Delegated procedure if it is deemed appropriate.

## 9. COUNCILLORS POWER TO REQUIRE A PLANNING APPLICATION TO BE DETERMINED BY COMMITTEE

- 9.1 The ward councillor will have the right to require that any application or revocation request appearing on the weekly list to be presented to Planning and Development Committee for decision providing that such an instruction is received by the Director of Community Services in writing within 14 days of the 'received week ending' of the relevant list.

## PROPOSED DELEGATION SCHEME 6 DECEMBER 2012

- RIBBLE VALLEY BOROUGH COUNCIL
- PLANNING AND DEVELOPMENT COMMITTEE
- SCHEME OF DELEGATION OF DEVELOPMENT CONTROL AND COUNTRYSIDE MATTERS
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