

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 18 JULY 2013
 title: EXTENSION TO THE DELEGATION SCHEME IN RELATION TO DETERMINATION OF PLANNING APPLICATIONS.
 submitted by: DIRECTOR OF COMMUNITY SERVICES
 principal author: JOHN MACHOLC – HEAD OF PLANNING SERVICES

1 PURPOSE

- 1.1 To request minor changes to the scheme of delegation in relation to the determination of planning applications in relation to the new procedure for prior determination of householder extensions.
- 1.2 Members may be aware that there have been some recent revisions to the delegation scheme with the most recent report on the 14 February 2013, which requested delegation on non determination appeals.
- 1.3 Relevance to the Council's ambitions and priorities:
- Council Ambitions - }
 - Community Objectives - } To be a well-managed Council providing efficient services based on identified customer need.
 - Corporate Priorities - }
 - Other Considerations - }

2 BACKGROUND

- 2.1 Members may recall that there was a consultation document on this proposal to increase permitted developments and a report was taken to Planning and Development Committee on the **13 September 2012** when it was resolved to express some reservations,
- 2.2 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 came into effect on the 30 May 2013, which relates to single storey rear extensions (between 3 and 6 metres for terraced and semi-detached houses and between 4 and 8 metres for detached houses.) The new changes require that applicants submit a basic level of information with their Prior notification to be determined by the local planning authority.
- 2.3 The current delegation scheme includes determination of prior notification applications as it was recognised that given the limited time to determine the proposals, it would not be possible to take them to a Committee meeting. It should also be recognised that the nature of these applications, which include agricultural and telecommunication proposals, are often relatively minor and non controversial. I am of the opinion that the householder determination applications also fall within this category and that the

delegation scheme should be amended accordingly. In doing so I would also suggest should there be any other minor changes to the GPDO to incorporate other development proposals under a prior determination scheme, that the delegation scheme should include reference to all prior determinations.

3 ISSUES

3.1 In assessing the revisions proposed, I do not consider this would have a significant detrimental impact on the planning process and key applications would still need to be determined by the Planning and Development Committee.

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.
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- Reputation – No implications identified.
-
- Equality & Diversity – No implications identified.

5 RECOMMENDED THAT COMMITTEE

5.1 Endorse the minor alterations to the delegation scheme to include reference to all prior determination applications.

JOHN MACHOLC
HEAD OF PLANNING SERVICES

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

1. Current Delegation Scheme.
2. Consultation report and Committee report on consultation document relating to Householder extension proposals.
3. The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

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

P&D/JM/EL/180713

EXISTING DELEGATION SCHEME 14 FEBRUARY 2013

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

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 10 objections from separate addresses are received by the date of consultation closure. The total of these includes statutory consultees.

- Applications for up to 9 new dwellings (6/12/12).
- 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).
- All new build commercial premises including agricultural developments irrespective of the 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.
- Staff, member and close family proposals.

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.

Non determination appeals

- 3.5 Delegated to Head of Planning and Director of Community Services in conjunction with Chairman and Vice Chairman of the Planning and Development Committee to determine the appropriate reasons for refusal in any non determination appeals if it is not possible to take a full report to Committee due to the need to meet the necessary appeal deadlines.

4. PRIOR NOTIFICATIONS

- 4.1 Proposals for all prior notification proposals which currently include agricultural buildings, demolition work, 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 18 JULY 2013

- RIBBLE VALLEY BOROUGH COUNCIL
- PLANNING AND DEVELOPMENT COMMITTEE
- SCHEME OF DELEGATION OF DEVELOPMENT CONTROL AND COUNTRYSIDE MATTERS
- LAST REVIEWED 14 FEBRUARY 2013

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