

Planning Committee – 14 February, 2007

Report of Development Control Manager

Miscellaneous Item

Revisions to Scheme of Delegation

This report considers possible revisions to current delegation procedures. Any changes are a matter for decision by the Portfolio Holder and will be published in the Weekly Bulletin. However, both the Portfolio Holder and the Development Control Manager consider that it is appropriate that the Planning Committee are given an opportunity to comment.

The background to the proposal are:-

- (i) The recent CLG report 'Councillor Involvement in Planning Decisions'.
- (ii) Concerns over time taken to determine relatively minor applications that currently need to be referred to Committee.
- (iii) The perceived effect of long meetings upon the quality of decision making and concern that the general public often have to wait several hours to hear their particular item heard.
- (iv) Concerns over inconsistency between Parished and the Unparished Area.

(i) CLG Report 'Councillor Involvement in Planning Decisions

This recently published report recommends that "an appropriate balance must be achieved between the degree of delegation and continuing involvement of elected Members in planning decision-making: increased delegation would appear to lead to more predictable planning decisions (in line with adopted policy) but some degree of Councillor involvement should remain for the more significant or controversial cases or where the issues are finally balanced."

The progress of project Taunton and increased levels of growth associated with the Regional Spatial Strategy and Taunton's Growth Point status all indicate that the number of complex major planning applications that the Council are asked to consider will increase. It is vitally important that the Planning Committee has the capacity to appraise these most important developments in detail.

The proposal set out below will reduce the number of small-scale proposal that need to be reported to Committee.

(ii) Concern over time taken to determine applications that currently need to be referred to Committee

It is imperative that the Council maintains its performance in terms of time taken to

determine planning applications. Whilst it is still of paramount importance that decision-making is of a high quality, delays in the planning process not only have impacts for the Council in terms of both funding and potential central government intervention, it can also have a significant adverse impact upon the economy of the area. In the third quarter of the current year (October – December 2006) 79% of decisions made under delegated powers (or via the Parish delegation scheme) were made within eight weeks of receipt. However, only 19% of those referred to Committee were made within this time period. Whilst officers endeavour to produce reports for Committee as early as possible, the emphasis of the current system upon consultation responses to determine whether an application goes to Committee, does cause considerable difficulty in meeting the statutory deadlines. One aim of the simplified delegation scheme proposed is to give more certainty as to whether an application will be referred to Committee from early on in the determination process.

(iii) The effect of long meetings upon the quality of decision-making and upon the general public who often have to wait several hours to hear their particular item heard

The number of applications currently being referred to the Planning Committee often mean that meetings can be long. For example, the meeting on 24 January, 2007 lasted over five hours and finished after 10 p.m.

The amount of information that needs to be considered in relation to each application is such that there is concern that both officer and Members ability to concentrate and analyse information can be adversely impacted upon by the length of the meeting.

Whilst there is always a reserve date set aside should all business not be able to be concluded in one night, there is often a quite reasonable reluctance to use this, on the basis that it is felt unreasonable to ask Members of the public, who may already have sat through several hours of a meeting, to return on a second occasion.

(iv) Concerns over inconsistency between Parished and the Unparished Area

The current delegation scheme is such that where a Parish Council holds a contrary view to the recommendation, an application is automatically referred to the Planning Committee, whether other representations have been received or not. It is therefore inevitable that the Committee considers comparatively less applications in Taunton, which does not have a Parish Council. The revisions seek to redress this by amending the criteria for referral.

Proposed Amendments

In identifying revisions to the delegation scheme, the procedures of a number of other local planning authorities were looked at. A major aim of the revisions set out below was to provide a clearer and concise set of criteria.

It is proposed that in future all proposals should be determined under delegated powers other than where the six criteria set out below are met (However, it should be noted that the current system whereby any application which is not referred to Committee, but where conflicting representations have

been received is referred to the Chair/Vice Chair before a decision is made will continue):-

Criterion 1: In the opinion of the Development Control Manager (or Chair), the application is considered to be of a significant, controversial or sensitive nature.

Criterion 2: The application is from an Elected Member or Member of Staff (or partner thereof) and is recommended for approval.

Criterion 3: The application is accompanied by an Environmental Statement (EIA).

Criterion 4: The application is a significant departure and is recommended for approval.

Criterion 5: Where there are conflicting views (giving clear planning reasons) from a Parish Council or Parish Meeting as well as from four or more individuals. (In the case of the Unparished Area where there are conflicting views from four or more individuals as well as a residents group).

Criterion 6: Applications will be delegated to the Development Control Manager to refuse if Section 106 Agreements are not signed within the 8 or 13 week timescale.

CONTACT OFFICER: Tim Burton Tel: 356464

APPENDIX A

Current Delegation Criteria

OFFICER DELEGATION CATEGORIES AGREED BY THE EXECUTIVE COUNCILLOR ON 20TH JUNE, 2002

1. Observations on County Council applications (major proposals and contentious items to be reported to Committee).
2. Change of use of barns and other buildings to residential, business, tourism (including holiday lets) and community uses.
3. Renewals of extant and lapsed permissions where circumstances are unchanged.
4. Minor tourist developments including new build projects such as holiday accommodation.
5. Provision of play areas and play equipment.
6. TDBC applications that fall within the officer delegation categories.
7. Urban brownfield conversions to create not more than 25 residential units.
8. All listed building and conservation applications except those relating to major projects or contentious planning applications.
9. All reserved matter approvals where no objections received (except those concerning major or contentious developments).
10. All telecommunication masts of less than 28 m height and associated equipment where the recommendation is one of refusal.
11. All applications for new residential development within the urban areas of Taunton and Wellington involving 10 or less dwellings.
12. Applications for agricultural dwellings and the lifting of agricultural occupancy conditions where the evidence is convincing.
13. Provision of industrial and business use premises on existing or allocated sites (except those concerning major or contentious developments).
14. Minor works and earth moving operations, including flood alleviation measures.
15. All extensions to buildings.
16. New residential developments in the defined villages of up to 2 dwellings.

17. Change of use of retail shop to A3 food and drink uses.
18. The allocation of grants for the repair of historic buildings.

OFFICER DELEGATION CATEGORIES AGREED BY THE PLANNING COMMITTEE PRIOR TO 20TH JUNE, 2002

1. Dwellings

- A. Minor development within the curtilage of a dwelling house.
- B. Single dwelling house in keeping with those adjoining and not likely to adversely affect the street scene.
- C. Erection of residential annexes which are ancillary to the main house ('granny' flats).
- D. Substitution of dwelling types on residential sites already granted planning permission.

2. Agricultural

- A. Agricultural buildings and works.
- B. Notifications as to whether prior approval of the Council is required for agricultural buildings etc.
- C. Erection of stables on agricultural land.

3. Minor

- A. Minor changes of use.
- B. Minor alterations and extensions to shops and business premises including shop fronts, church premises, youth centres, schools etc. and listed buildings.
- C. Minor developments by Government departments.
- D. Minor modifications of approved plans which do not materially affect the development.

4. Advertisements

All advertisements.

5. Conservation and Listed Buildings

- A. Conservation Area consents.

- B. Demolition of a minor nature within the curtilage of a listed building, i.e. extensions to original buildings, outbuildings and walls.
- C. Minor alterations and extensions to shops and business premises including shop fronts, church premises, youth centres, schools etc. and listed buildings.

6. Trees

Works (top, lop and fell) to trees included within Tree Preservation Order.

7. Temporary and Renewals

- A. Renewals of permissions granted but not exercised where conditions have not materially changed.
- B. Temporary buildings and uses and renewals of temporary permissions.
- C. Temporary caravans on development sites where occupants will occupy building on completion.
- D. Temporary siting of caravans needed to provide alternative accommodation for the occupants of Council houses in course of modernisation.
- E. Temporary classrooms at any school or college.

8. Determination

- A. (i) Determination of whether prior approval of the Council is required for telecommunications equipment and ancillary development; and
(ii) in consultation with the Chairman to determine applications where it was considered that prior approval was required.
- B. Determination of whether prior approval of the Council is required to demolish and applications to demolish.

9. Others

- A. Formation of accesses.
- B. Development in the country for which no special reason is advanced.
- C. Overhead electricity lines not exceeding 11 Kv.
- D. Details submitted in satisfaction of conditions in planning permissions other than outline permissions.

- E. Details submitted in satisfaction of conditions in outline planning permission where the development involved fell within one of the delegated groups.
- F. Extension of time for compliance with conditions.
- G. Sample of materials submitted to comply with conditions in planning permissions.