

WYRE FOREST DISTRICT COUNCILCABINET MEETING
26th APRIL 2007Planning Applications' Revised Scheme of Delegation and Revisions to Development Control Practice Notes

OPEN	
COMMUNITY STRATEGY THEME:	A Better Environment
CORPORATE PLAN THEME:	Managing the Local Environment
KEY PRIORITY:	Development Assessment and Building Control
CABINET MEMBER:	Councillor Anne Hingley
RESPONSIBLE OFFICER:	Head of Planning, Health and Environment
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APPENDICES	Appendix 1 - Scheme of Delegation

1. PURPOSE OF REPORT

- 1.1 This report seeks Members' approval for changes to the existing Scheme of Delegation relating to the determination of planning applications involving Section 106 obligations and also seeks delegated authority to amend a number of the existing range of Development Control Practice Notes.

2. RECOMMENDATION

The Cabinet is asked to **RECOMMEND** to Council:

- 2.1 The Scheme of Delegation, as set out at *Appendix 1* to this report, be adopted.

The Cabinet is asked to **DECIDE**:

- 2.2 Authority be given to the Head of Planning, Health and Environment to amend the following Practice Notes in accordance with paragraphs 4.8 to 4.14 of this report:
- a) Practice Note 9 - Dealing with planning obligations
 - b) Practice Note 11 - The provision of affordable housing
 - c) Practice Note 17 - Guidance for developers submitting major planning applications.

3. BACKGROUND

- 3.1 The Supplementary Planning Document on Planning Obligations was adopted by the Council in February 2007. This document sets out clearly the circumstances and thresholds where a Section 106 obligation will be required and the range of obligations that will be sought for specific types of development.
- 3.2 Under the existing Scheme of Delegation, all applications involving a proposed Section 106 obligation are required to be considered by the Planning (Development Control) Committee, except where the obligation solely relates to the payment for education contributions agreed under the adopted Supplementary Planning Guidance on Education Contributions. This generally therefore only relates to major planning applications.
- 3.3 However, under the new Supplementary Planning Document it is anticipated that there will be an increase in the number of minor and other applications, particularly residential schemes of less than 10 dwellings, which will trigger Section 106 obligations for matters other than just education contributions. Under the existing Scheme of Delegation such applications would need to be reported to the Planning (Development Control) Committee for determination. Such an increase in the number of minor and other applications being reported to Committee would undermine the intention of the previous changes to the Scheme of Delegation, which were approved as part of the Recovery Plan in May 2006, to improve development control performance.

4. KEY ISSUES

Impact on Scheme of Delegation

- 4.1 Unlike major applications, Local Planning Authorities have a target to determine 'minor' and 'other' applications within 8 weeks before the right of appeal against non-determination is triggered. The national and local targets for these types of applications are as follows:

National target

- 65% of minor applications within 8 weeks
- 80% of other applications within 8 weeks

Local target

- 80% of minor applications within 8 weeks
- 90% of other applications within 8 weeks

- 4.2 Minor applications include:

- minor dwellings (up to 9 dwellings)
- minor offices (not more than 1,000 sq. m.)
- minor heavy industry (not more than 1,000 sq. m.)
- minor retail (not more than 1,000 sq. m.)

4.3 Other applications include:

- change of use
- householder
- advertisement consent
- conservation area consent
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4.4 With the exception of applications for change of use, the types of applications falling within this 'other' category are not likely to be required to be subject to a Section 106 obligation under the provisions set out in the Supplementary Planning Document.

4.5 To ensure that minor and other applications requiring Section 106 obligations, in accordance with the Supplementary Planning Document, are determined within the statutory 8 week period, it is proposed that exception No.12 contained within the existing Scheme of Delegation be amended:

From

Applications involving proposed S106 obligations (except where the only provision relates to a payment for education facilities agreed under the adopted Supplementary Planning Guidance).

To

Applications involving proposed S106 obligations (except where in accordance with the adopted Supplementary Planning Document – Planning Obligations)

4.6 All major planning applications will continue to be reported to the Planning (Development Control) Committee, in accordance with the existing Scheme of Delegation. The other 'exceptions' as set out in the Scheme of Delegation will also continue to apply.

Impact on Development Control Practice Notes

4.7 Within the Supplementary Planning Document there is specific advice on various areas of development control which have been previously covered by some of the Development Control Practice Notes. These are:

- Practice Note 9 : Dealing with planning obligations
- Practice Note 11 : The provision of affordable housing
- Practice Note 17 : Guidance for developers submitting major planning applications

This report seeks delegated approval for changes to these Development Control Practice Notes as set out below.

Practice Note 9

- 4.8 Circular 1/97 which is quoted within this Practice Note has been superseded by Circular 05/2005. This circular therefore needs to be referred to within the Practice Note.
- 4.9 The section on Developer Contributions within the Practice Note needs to be amended to refer to the now adopted Supplementary Planning Document on planning obligations.
- 4.10 If the Scheme of Delegation is amended (as set out above) the section of the Practice Note which explains the procedures for Section 106 obligations will need to be amended accordingly.

Practice Note 11

- 4.11 This Practice Note was last amended in October 2004 and as such is out of date in view of new government guidance in PPS3 (which includes a new definition of affordable housing) and the South Housing Market Area Housing Market Assessment which is due to be published shortly.
- 4.12 The Practice note also includes a copy of the RSL Partnership Agreement which is due to be updated shortly.
- 4.13 Delegated authority is therefore sought to amend this Practice Note when these documents are published. The Practice Note will also need to refer to the Toolkit for negotiating affordable housing which has been amended as part of the Supplementary Planning Document.

Practice Note 17

- 4.14 Within Appendix 2 of the Supplementary Planning Document there is a Planning Application checklist which includes a list of the range of statements or submitting information which the Local Planning Authority may request in order to determine a planning application. A similar checklist was included within Development Control Practice Note 17 and as such this checklist now needs to be updated.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications arising from these changes.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 It is not considered that there are any legal obstacles to changing the Scheme of Delegation. The matter needs to be reported to Council for decision as it involves a change to the Scheme of Delegation to Officers.

- 6.2 The proposed changes to the Practice Notes will ensure that the guidance is consistent with the adopted Supplementary Planning Document on planning obligations.

7. RISK MANAGEMENT

- 7.1 Without the proposed change in the Scheme of Delegation there is an increased risk that the Council may fail to meet both local and national targets for minor and other applications.

8. CONCLUSION

- 8.1 It is considered that the proposed amendment to the Scheme of Delegation is an effective way of ensuring that minor and other applications requiring Section 106 obligations are determined within the statutory 8 week period and will enable the Council to meet the national and local targets for determining such applications.

9. CONSULTEES

- 9.1 Head of Legal and Democratic Services
9.2 Forward Planning Manager

10. BACKGROUND PAPERS

- 10.1 Recovery Plan to meet BV109 targets for determining planning applications – April Cabinet.
10.2 Supplementary Planning Document – Planning Obligations (adopted Feb 2007)

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