



Report for:  
INFORMATION

Item Number: 7

<b>Contains Confidential or Exempt Information</b>	<b><i>NO – Part I</i></b>
<b>Title</b>	Impact of the Changes to Permitted Development on the Planning Service
<b>Responsible Officer(s)</b>	Simon Hurrell, Head of Planning and Property Services
<b>Contact officer, job title and phone number</b>	Suki Coe, Development Control Manager 01628 796042
<b>Member reporting</b>	Cllr M J Saunders, Lead Member for Planning and Property
<b>For Consideration By</b>	O&S Planning and Housing
<b>Date to be Considered</b>	23 <sup>rd</sup> January 2014
<b>Implementation Date if Not Called In</b>	
<b>Affected Wards</b>	All
<b>Keywords/Index</b>	Planning Simplification Measures, householders, extensions

### Report summary

This report sets out the impact on the Royal Borough's planning service of the Growth and Infrastructure Bill passed by Parliament on 8<sup>th</sup> May and secondary legislation published on 9<sup>th</sup> May 2013 on the Planning Service.

Cabinet, which noted these changes at its meeting on 23<sup>rd</sup> May 2013, asked for this report to be made to the Panel to outline the implications of the changes. The fee income budget was raised for 13/14 in line with application fee rate increases set by Government, and reduced by approximately 15%, to reflect the service's anticipated fall in activity because of this fee rise.

Resource budgets were reduced in line with this net income budget reduction.

However, activity has been maintained in the year so far, particularly in the first 6 months (April to September), allowing officers to move budget from income (where it was over-achieving) to cost, which was under pressure. This budget accounted for c75% of the year's reduction.

Income for the year is still over-achieving the profile budget by 25k, covering the majority of the balance.

The changes permitted larger rear extensions onto residential properties, some larger commercial extensions in town centres and a relaxation of the control over some changes of use.

**Summary of the impact:**

Residential extensions: Total applications	- 73
Approved	- 40
Refused	- 14
Withdrawn	- 10
Returned	- 5
Invalid	- 2
Pending consideration	- 2
Appeals Dismissed	- 1
Appeals Allowed	- 0
 Class J (Change of use from Office to residential)	-15
Approved	- 8
Refused	- 2
Withdrawn	- 2
Pending consideration	- 3
 Class M (Change of use of an agricultural building to commercial)	- 1
Approved	- 1

**Income Impact**

Section 106

Section 106 monies lost	-£ 200,179
Further Section 106 at risk because of pending applications	-£ 37,994

**Service Costs**

Time spent on these applications:	- 167.75 hours
At a cost to the service of:	- £5,403.75
 Lost Application fees	- £17,131

<b>If recommendations are adopted, how will residents benefit?</b>	
Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
Report to be noted	

**1. Details of Recommendations**

**RECOMMENDATIONS:**

That O&S Panel note the impact on the service.

**3. Key Implications**

Residents have taken up the opportunities offered by a relaxation of the planning regime introduced by the government in May 2103. The introduction though has had a significant impact on the planning service in terms of its workload, costs and fee income, and on the Authority in terms of the loss of s106 income.

89 applications for extended permitted development opportunities have been received, the majority of which have been approved. Officers have spent 167 hours on these cases at a cost to the service of £5,403 and the consequences of the permitted development has resulted in a loss of Section 106 moneys for infrastructure amounting to over £200,000.

#### **4. Financial Details**

There have been 89 applications for development that would normally have attracted a planning fee. The 73 residential extensions would have attracted a fee of £172 normally but instead attracted no fee. Total Fees lost = £12,556.

The applications for changes of use would normally have attracted a fee of £385 but instead attracted a fee of only £80 each, a total reduction of £4575 in fee income for the service.

In addition the service has spent £5,403 on staff time for these cases and lost £200,000 of Section106 income that would normally have been used by the Borough to provide essential infrastructure to mitigate the impact of these developments.

#### **5. Legal Implications**

The council will still have to ensure that it meets its statutory duties under the Town and Country Planning Acts, and to manage the risk involved to minimise the potential for legal challenge and accusations of maladministration.

#### **6. Value for Money**

The introduction of extended permitted development rights, particularly for household extensions will result in additional work to help to support property owners to stay within the lawful limits of permitted development.

#### **7. Sustainability Impact Appraisal**

None

#### **8. Risk Management**

The Planning Service prioritises these enlarged permitted extensions to ensure the council makes a decision on each proposal within 42 days. Failure to do so would mean that the development is permitted.

#### **9. Links to Strategic Objectives**

**Our Strategic Objectives are:**

## **Residents First**

- Improve the Environment, Economy and Transport
- Work for safer and stronger communities

## **Value for Money**

- Enhanced Customer Services
- Deliver Effective Services
- Deliver Economic Services

## **Delivering Together**

- Strengthen Partnerships

## **10. Equalities, Human Rights and Community Cohesion**

No Equality Impact Assessment (EQIA) has been completed.

## **11. Staffing implications**

The Planning Service has dedicated 2 planning officers to focus on this work stream; so far this approach has been successful but has removed capacity from the remaining work and there has been a small reduction in performance – this is being addressed separately.

## **12. Property and Assets**

None.

## **13. Any other implications**

## **14. Consultation**

None

## **15. Timetable for Implementation**

## **16. Appendices**

**Appendix 1 –** Previous report to Cabinet setting out the changes to the planning system

## **17. Background Information**

## **18. Consultation (Mandatory)**

<b>Name of consultee</b>	<b>Post held and Department</b>	<b>Date sent</b>	<b>Date received</b>	<b>See comments in paragraph:</b>
<b>Internal</b>				
Cllr Burbage	Leader of the Council			
Cllr MJ Saunders	Lead Member for			

	Planning			
Mike McGoughrin	Managing Director			
Simon Hurrell	Head of Planning and Property	15/01/14	17/01/14	
Maria Lucas/Shared Legal Solutions	Head of Legal Services			
Mark Lampard	Finance partner			

## Report History

<b>Decision type:</b>	<b>Urgency item?</b>
For information	Yes

Full name of report author	Job title	Full contact no:
Suki Coe	Development Control Manager	01628 796042



Report for: INFORMATION
Item Number: 7 = Appendix

<b>Contains Confidential or Exempt Information</b>	<b><i>NO – Part I</i></b>
<b>Title</b>	Changes to the planning system
<b>Responsible Officer(s)</b>	Head of Planning and Property Services
<b>Contact officer, job title and phone number</b>	Suki Coe, Development Control Manager 01628 796042
<b>Member reporting</b>	Cllr M J Saunders
<b>For Consideration By</b>	Cabinet
<b>Date to be Considered</b>	23 <sup>rd</sup> May 2013
<b>Implementation Date if Not Called In</b>	30 <sup>th</sup> May 2013 to comply with the secondary legislation
<b>Affected Wards</b>	All
<b>Keywords/Index</b>	Planning Simplification Measures, householders, extensions

### Report summary

This report sets out implications of the Growth and Infrastructure Bill passed by Parliament on 8<sup>th</sup> May and secondary legislation published on 9<sup>th</sup> May 2013.

The government has announced significant changes to the development control system by extending permitted development rights, and enabling changes of use and extensions to be undertaken, designed to support business growth and development.

The changes are intended to:

- Simplify the planning control system
- Encourage business development especially in town centres
- Bring empty buildings back into beneficial use
- Help with the establishment of new schools
- Help homeowners to extend their properties with the minimum of bureaucracy

The required changes to planning legislation will be effective from 30 May 2013.

The council will publicise these changes locally with the intention of encouraging business development and construction in the Royal Borough.

These changes were subject to public consultation in 2012, and the Planning and

<b>If recommendations are adopted, how will residents benefit?</b>	
Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
A more relaxed and flexible planning control regime will encourage business development, construction and the more creative use of redundant or under-used buildings	From 30 May 2013
Householders will be able to extend their properties without the need for planning consent	From 30 May 2013

## 1. Details of Recommendations

### RECOMMENDATIONS:

That Cabinet:

- (1) Notes the changed Permitted Development allowances and the more relaxed planning regime which is being introduced
- (2) Ensures that steps are taken to publicise the opportunities these changes offer to the local community, particularly in terms of business development
- (3) Monitors the impact of the relaxations on local communities and
- (4) Notes and closely monitors the implications of the changes for the Planning Service.

## 2. Reason for Recommendation(s) and Options Considered

### Planning control changes to be introduced

Key elements are:

- Changes of use will be permitted to enable new retail ventures, financial services, restaurants, cafes and offices; buildings currently designated as A1, A2, A3, A4, A5, B1, D1 or D2 classes (shops, financial services, restaurants, pubs, hot food takeaways, business, non-residential institutions, leisure and assembly) can temporarily change to another use class (retail, financial services, restaurants and cafes and offices) for a single period of up to 2 years.
- Thresholds for permitted development rights for change of use from B1 (business) or B2 (general industry) to B8 (storage and distribution) classes and from B2 (general industry) or B8 (storage and distribution) to B1 (business) will increase from 235m<sup>2</sup> to 500m<sup>2</sup>.
- Existing agricultural buildings under 500m<sup>2</sup> can change to other business and retail uses, but for buildings between 1590m<sup>2</sup> and 500m<sup>2</sup>, prior approval will be needed.

- New permitted development rights will allow change of use from offices B1 (a) to homes (C3) to provide new homes in existing buildings.
- Offices, hotels and assembly or leisure uses can change to permanently to state-funded school, and for it to return to the pre-existing lawful use. A temporary permitted development right is being introduced allowing any building to be used as a state-funded school for 1 academic year.
- Householders can use an increased permitted size limits for the depth of single-storey domestic extensions from 4m to 8m (for detached houses) and from 3m to 6m (for all other houses), in non-protected areas, for a period of three years (May 2013-May 2016). No changes are proposed for extensions of more than one storey.

## Extensions to homes

The relaxation includes a consultative process. The basic outline is:

- A homeowner wanting to build an extension under the new rules will write to the council, providing a location / block plan and a written description of the proposal. There will be no fee payable.
- The council will notify adjoining neighbours who will have 21 days to lodge any objection based on amenity concerns only.
- The council will decide if the development can go ahead within 42 days of the application. If there are no objections the development is permitted. If there are objections the council will consider whether the impact of the proposed extension on the amenity of the neighbours is acceptable. If no decision is made within 42 days then the extension will be deemed to be permitted.
- Where a proposal is rejected, there will be an appeals process.
- This process will only apply to over-sized permitted development extensions for three years initially. Existing Permitted Development will also remain.

The detail of the consultation process is set out at Appendix 2.

The government has agreed to assess the impact of costs on councils – no announcement about this has been made in terms of scope or timescales.

Option	Comments
To note the imminent changes to the planning control system and to implement as required by law	This is the bare minimum
To note the imminent changes to the planning control system and to implement as required by law, and to ensure these changes are actively promoted to RBWM residents and stakeholders, thereby ensuring the opportunities they represent are taken up as appropriate  <b>This is the recommended option</b>	This is a pro-active approach



### **3. Key Implications**

The Planning Service will work with local communities in explaining these changes. Parish councils and neighbourhood planning groups will be particularly aware of the potential impact of the changes within their communities. The changes are wide-ranging.

The Planning Service, which is largely self-funding (from fees attached to planning applications) will also closely monitor the possible impact of these changes on the service itself, including income, costs, administrative burden, enforcement and capacity.

### **4. Financial Details**

The Planning service will closely monitor the impact of these changes in terms of income and costs. The changes to permitted development rights will reduce the income of the Planning Service but the cost of administering the revised process may only be slightly less than the current cost for dealing with a planning application.

Other changes to permitted development, including the conversion of office space into residential properties and changes of use for commercial premises will have an impact on the service in terms of lost fees and reduction in Section 106 developers' contributions. As has been seen recently with the Golden Harp at Furze Platt in Maidenhead, a permitted change of use can raise significant issues for local communities where the opportunity for public scrutiny of proposals may be lost.

The proposed changes will require the council to verify that all extensions are completed within the 3 year period and that a register is kept of all enlarged extension built during the period. This will require additional verification site visits and the creation of a register. There is no proposal for a fee regime to cover the costs of this work.

Some residents will not voluntarily apply to the council and there may be an increase in demand for the Planning Enforcement Team to investigate alleged unauthorised, but in fact permitted, development extensions. The investigations will be more complicated and time consuming; the resolution of such disputes will also be more complex and less easily resolved.

The budget pressures will not be off set by the recent 15% increase in planning fees; the number of householder applications no longer attracting a planning application and associated fee could be reduced by approximately 10% plus the additional administration costs.

### **5. Legal Implications**

The council will still have to ensure that it meets its statutory duties under the Town and Country Planning Acts, and to manage the risk involved to minimise the potential for legal challenge and accusations of maladministration.

In addition there is a need to amend the council's Constitution to ensure that the scheme of delegation is clear and that there is still an element of democratic decision making where there is conflict between local residents and the officer's

recommended decision. A draft report for the Constitution Sub Committee is attached at Appendix 1.

**6. Value for Money**

The introduction of extended permitted development rights, particularly for household extensions will result in additional work to help to support property owners to stay within the lawful limits of permitted development.

**7. Sustainability Impact Appraisal**

None

**8. Risk Management**

The Planning Service will prioritise these enlarged permitted extensions to ensure the council makes a decision on each proposal within 42 days. Failure to do so will mean that the development is permitted. At the same time the service is under considerable pressure to determine applications within the 8 and 13 week targets in order to ensure that these decisions continue to be made locally and not by the Secretary of State’s inspectors. Finally, there has been an increase in appeal activity, which is expected whenever there is a substantial change in national and or local policy. RBWM’s performance at appeal indicates that the planning decisions made by the Borough remain robust.

**9. Links to Strategic Objectives**

**Our Strategic Objectives are:**

**Residents First**

- Improve the Environment, Economy and Transport
- Work for safer and stronger communities

**Value for Money**

- Enhanced Customer Services
- Deliver Effective Services
- Deliver Economic Services

**Delivering Together**

- Strengthen Partnerships

**10. Equalities, Human Rights and Community Cohesion**

No Equality Impact Assessment (EQIA) has been completed.

**11. Staffing implications**

There will be a reduction in the full income earning work for the Development Control team but there will be additional work to verify the lawfulness of development and administer the new over-size permitted development process. Professional planning officers with the appropriate skills and experience will be deployed to investigate

alleged breaches of planning control and assess the lawfulness of development without being able to add value.

## 12. Property and Assets

None.

## 13. Any other implications

A separate report is attached at Appendix 1 covering the need for changes to the Scheme of Delegation.

## 14. Consultation

None

## 15. Timetable for Implementation

The details of the proposed changes in permitted development require secondary legislation. This was published on the 9<sup>th</sup> May 2013 with a clear implementation date for the new regime of the 30<sup>th</sup> May 2013.

## 16. Appendices

**Appendix 1 – Draft report for the Constitution Sub Committee requesting changes to the Scheme of Delegation**

**Appendix 2 - Ministerial statement and procedure notice from DCLG on larger home extensions**

## 17. Background Information

Extending permitted development rights for homeowners – Growth and Infrastructure Bill April 2012.

## 18. Consultation (Mandatory)

<b>Name of consultee</b>	<b>Post held and Department</b>	<b>Date sent</b>	<b>Date received</b>	<b>See comments in paragraph:</b>
<b>Internal</b>				
Cllr Burbage	Leader of the Council	13/05/13	14/05/13	Throughout
Cllr MJ Saunders	Lead Member for Planning	10/05/13	14/05/13	Throughout
Mike McGoughrin	Managing Director	13/05/13		
Simon Hurrell	Head of Planning and Property	10/05/13	13/05/13	Throughout
Maria Lucas/Shared Legal Solutions	Head of Legal Services	10/05/13		
Mark Lampard	Finance partner	13/05/13	13/05/13	Finance
Planning and Housing Overview and Scrutiny		15/05/13	15/05/13	See below

**Changes to the planning system**

The Planning & Housing Overview & Scrutiny Panel raised their grave concerns / reservations regarding the short period for the introduction of the changes (announced on 9 May, effective from 30 May) but unanimously agreed, in the interests of residents and the benefits to the economy, to endorse the recommendations that Cabinet:

- (1) Notes the changed Permitted Development allowances and the more relaxed planning regime which is being introduced
- (2) Ensures that steps are taken to publicise the opportunities these changes offer to the local community, particularly in terms of business development
- (3) Monitors the impact of the relaxations on local communities and
- (4) Notes and closely monitors the implications of the changes for the Planning Service.

The Planning & Housing Overview & Scrutiny Panel stated that the Council would need to ensure they were properly prepared and that safeguards had been put in place which were clearly promoted to residents and businesses within the Royal Borough.

The Planning & Housing Overview & Scrutiny Panel went onto request that the process be as smooth as possible, be monitored and enforced and that extra resources (with regard to staff and time restraints) be made available if and when required.

**Report History**

<b>Decision type:</b>	<b>Urgency item?</b>
For information	Yes

Full name of report author	Job title	Full contact no:
Suki Coe	Development Control Manager	01628 796042

**APPENDIX 1 – Draft report to Constitution Sub-Committee**

Report for: ACTION
Item Number:



<b>Contains Confidential</b>	NO
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<b>or Exempt Information</b>	
<b>Title</b>	CONSTITUTION AMENDMENTS – Scheme of Delegation for Planning
<b>Responsible Officer(s)</b>	Simon Hurrell – Head of Planning and Property Services
<b>Contact officer, job title and phone number</b>	Suki Coe – Development Control Manager
<b>Member reporting</b>	Councillor MJ Saunders, Lead Member for Planning
<b>For Consideration By</b>	Cabinet and Constitution Sub-Committee
<b>Date to be Considered</b>	May 2013
<b>Implementation Date if not Called In</b>	30 <sup>th</sup> May 2013
<b>Affected Wards</b>	All
<b>Keywords/Index</b>	Scheme of Delegation Constitution

### Report Summary

1. This report seeks to amend the scheme of delegation to allow for the renewal of approved major development schemes to be decided quickly and efficiently by allowing decision making powers to be delegated to the Chairman, or Vice Chairman in his/her absence, of the relevant Area Development Control Panel.
2. To introduce a new power for delegation which permits the Head of Planning or the Development Control Manager to approve applications for enlarged permitted development extensions where no objections are raised, and to refuse enlarged permitted development extensions where objections are raised. This means that the relevant Development Control Panel Chairman will decide all enlarged extension applications whether there is conflict.
3. It recommends that Council consider the proposed revisions and approves these.
4. These recommendations are being made as the Constitution needs to be amended under Part 6 D3 to allow for renewal or minor changes or variation of a planning condition for a previously approved application over 2 dwellings and 1000 sqm of non-residential floor space to be delegated to the Chairman, or Vice Chairman in his/her absence, of the relevant Development Control Panel with Officers and to introduce a new power for the delegation of enlarged permitted development extensions.
5. If adopted, there will be potential savings as Development Control Panels will only be focused on cases where democratic decision making will add value to the process, avoiding unnecessary delay and bureaucracy.

### If recommendations are adopted, how will residents benefit?

Major development proposals with planning permission will be able to be implemented flexibly and effectively without unnecessary delay, supporting the economic development including building new homes in the Borough.	Immediately
An effective decision making process will be in place to cope with the introduction of the new temporary extended permitted development regime.	From 30 May 2013
Enabling Development Control Panels to focus decision making on new issues, avoiding unnecessary bureaucratic processes.	Immediately
An up-to-date Constitution will help the democratic process to run efficiently and effectively, and ensure residents and	Immediately

others in the community are informed of the correct constitutional processes.	
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## 1. Details of Recommendations

### **RECOMMENDATION:**

**That the amendments to the Council's Constitution as set out in Appendix A to the report be approved.**

## 2. Reason for Recommendation and Options Considered

**2.1** The Constitution of the Royal Borough of Windsor and Maidenhead is a single point of reference which contains the principal operating structures and procedures of the authority. It sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. A full review of the Constitution was agreed by Council on 25<sup>th</sup> October 2011.

### **What amendments are requested to be made to the Constitution?**

**2.2** The Constitution needs to reflect the current economic difficulties in the construction industry and to allow for a flexible, efficient and effective decision making process while retaining democratic accountability.

**2.3** The current scheme of delegation for planning decisions does not permit any delegation of decision making for proposals of more than 2 dwellings of non-residential floorspace of more than 1000sqm. However, the service is receiving increasing numbers of planning applications for renewal or minor changes or variations to a planning condition for a previously approved planning application. These applications all have to be determined by the relevant area Development Control Panel under the current Constitution.

**2.4** The proposed change in the scheme of delegation would allow these applications to be decided under delegated powers with the agreement of the Chairman, or Vice Chairman in his/her absence, of the relevant Development Control Panel. Ward Councillors would still be able call the application to the Panel as currently. This amendment would potentially allow these applications to be decided within 4-6 weeks rather than the current 8-13 weeks. It would also reduce the unnecessary workload of the Development Control Panels.

**2.5** Where an application for an enlarged permitted development extension is submitted and the consultation process raised no objection, the legislation states that this is permitted automatically. Where an enlarged extension is proposed and the consultation generates objections from immediate neighbours, the council will need to consider whether the extension is detrimental to the amenity of the neighbours only. If officer feel that the proposed extension is detrimental to the amenity of neighbours, the officers will under delegated powers be able to refuse the application, requiring either a full planning application or the applicant can challenge this decision at appeal. Where there are objections but officers feel that there is no detriment to neighbour amenity and so recommends that the extension should be permitted, these recommendations will be discussed and cleared with the Chairman (or Vice-Chairman in the absence of the Chairman) of the relevant

Development Control Panel. It will not be possible to present these cases to the full Development Control Panel as the process has a 42 day target deadline and failure to determine these applications in the timescale will result in default permission.

Option	Comments
1. Approve the changes to the Constitution <b>Recommended Option</b>	This will ensure that the Constitution is legally compliant and up to date.
2. Do not approve changes	The Constitution will not be up to date.

### 3. Key Implications

Defined Outcomes	Unmet	Met	Exceed	Significantly Exceeded	Date they should be delivered by
Amend the Constitution by 30 May 2013	Do not amend the Constitution by 30 May 2013	Amend by the 30 May 2013	n/a	n/a	

### 4. Financial Details

There is potential to reduce the impact on the Council for the renewal and minor modification of existing major planning developments and to minimise the cost of the new extended permitted development rights.

### 5. Legal Implications

The Constitution must be in compliance with the terms of the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007 and Local Democracy, Economic Regeneration and Construction Act 2009, Localism Act 2010 and any statutory guidance issued in relation to those and other Acts.

### 6. Value for Money

An updated Constitution will ensure the Council is less likely to be challenged on its procedures and processes.

### 7. Sustainability Impact Appraisal

There is no impact on sustainability objectives.

### 8. Risk Management

Risks	Uncontrolled Risk	Controls	Controlled Risk
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There is a risk of challenge if the Constitution is not legally updated.	Constitution is not updated.	Constitution is regularly reviewed and updated.	Revised Constitution available on website.
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## 9. Links to Strategic Objectives

The main links are to:

### Residents First

- Improve the environment, economy and transport

### Value for Money

- Deliver economic services
- Invest in the future

### Delivering Together

- Enhanced Customer Services
- Deliver Effective Services

### Equipping Ourselves for the Future

- Changing our culture

## 10. Equalities, Human Rights and Community Cohesion

It has been considered that the proposed amendments to the Constitution do not require a full EQIA. No negative impacts were identified.

## 11. Staffing/Workforce and Accommodation implications

None.

## 12. Property and Assets

None.

## 13. Any other implications

None.

## 14. Consultation

Consultation with the Chairman of each Area Development Control Panel.

## 15. Timetable for Implementation

By 30<sup>th</sup> May 2013 in order to accord with the change in legislation.

## 16. Appendices

A: Amended text for the Scheme of Delegation highlighted in **bold text**.

## 17. Background Information

*Changes to the planning system* Report to Cabinet 23 May 2013



## 18. Consultation (Mandatory)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
<b>Internal</b>				
Cllr Burbage	Leader of the Council	13/05/13	14/05/13	
Mike McGoughrin	Managing Director	13/05/13		
Simon Hurrell	Head of Planning and Property	10/05/13	13/05/13	
Cllr MJ Saunders	Lead Member for Planning and Property	13/05/13	14/05/13	
Maria Lucas/Shared Legal Solutions	Head of Legal Services	10/05/13		
Mark Lampard	Finance Partner	13/05/13	13/05/13	

<b>Decision type:</b>	<b>Urgency item?</b>
Non-key decision	No

Full name of report author	Job title	Full contact no:
Suki Coe	Development Control Manager	01628 79 6042

### Appendix A

#### Proposed text for Part 6 D3 of the Constitution

#### **D3 Area and Joint Development Control Panels**

##### ***D3.1 Purpose***

**(i) Within the operating guidelines and budget approved by the Council to consider all matters relating to the following:**

a. Where a Councillor has requested within 28 days of the publication of the weekly list featuring an application, using the adopted pro-forma for Calling in applications, that an application should be the subject of a decision by the Development Control Panel (other than applications for 'Certificate of Lawfulness for proposed uses of developments')

b. Where a planning application proposes more than two dwellings, **except where the application seeks to renew or to make minor changes or variation of a planning condition for a previously approved planning application. In this special circumstance the decision may be delegated to the Chairman of the**

**relevant Development Control Panel (or the Vice-Chairman in the Chairman's absence) with the Head of Planning or the Development Control Manager.**

c. Where the Officer's decision would reverse a previous decision of a Development Control Panel for the same development or would have the effect of preventing the proper implementation of any previous decision of the Council.

d. Where an Officer's decision would be contrary to a previous decision that had occurred as a result of a discussion with a Councillor, where amendments took place such that the decision was taken under delegated authority.

e. Where an approved Local Plan or other Policy Statement is in existence for a particular area or development topic and the Officers decision upon the application would significantly prejudice the implementation of the development plan policies or proposals.

f. Where the planning application proposes more than 1000 square metres of non-residential floor space, **except where the application seeks to renew or to make minor changes or variation of a planning condition for a previously approved planning application. In this special circumstance the decision may be delegated to the Chairman of the relevant Development Control Panel (or the Vice-Chairman in the Chairman's absence) with the Head of Planning or the Development Control Manager.**

g. Where an application is made by a Councillor or a member of their family and there are one or more objections or it is contrary to adopted planning policies.

h. Where an application is made by the Council or the Council has land ownership interest in the application site and there are one or more objections or it is contrary to adopted planning policies.

i. Where an application is made by officers in politically restricted posts or by an officer employed in the Planning Unit and there are one or more objections or it is contrary to adopted planning policies.

j. Where in the opinion of the Head of Planning, and the Lead Member of Planning and Development, that it would not be appropriate to use delegated authority.

k. Any tree of significance that is to be felled whether covered by a TPO or on Highways land may come to an area panel if the head of planning and the lead member agree if it is appropriate in the public interest. i.e. a contribution to the street scene.

**l. Where an application for extended permitted development raises objections but the planning officer considered the proposal to be permitted development, the officer will agree the decision with the Chairman of the relevant Development Control Panel or Vice Chairman if the Chairman is unavailable.**

m. All other functions regarding town and country planning and development control listed in Section A of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 are to be delegated to Officers.

(ii) To advise the Council, the Cabinet, the Planning and Environment Overview and Scrutiny Panel on the preparation, updating and monitoring of the Local Plan and policies relating to development control guidance.

## **APPENDIX 2 – LARGER HOME EXTENSIONS: NEIGHBOUR CONSULTATION SCHEME (DCLG)**

*On 9 May 2013, secondary legislation was laid before Parliament which will increase the size of single-storey rear extensions which can be built under permitted development, and will bring into force the associated neighbour consultation scheme. This draft guidance is issued to provide initial information on how the scheme will work. The Householder Permitted Development: Technical Guidance will be fully updated once the secondary legislation has been approved by Parliament and has come into force.*

For a period of three years, between 30 May 2013 and 30 May 2016<sup>1</sup>, householders will be able to build larger single-storey rear extensions under permitted development. The size limits will double from 4 metres to 8 metres for detached houses, and from 3 metres to 6 metres for all other houses. These new larger extensions (i.e. if they extend between 4 and 8 metres, or between 3 and 6 metres) must go through the following process<sup>2</sup>.

1. A homeowner wishing to build a larger single-storey rear extension must notify the local planning authority and provide:

- a. a written description of the proposal which includes the length that the extension extends beyond the rear wall of the original house, the height at the eaves and the height at the highest point of the extension;
- b. a plan of the site, showing the proposed development
- c. the addresses of any adjoining properties, including at the rear
- d. a contact address for the developer and an email address if the developer is happy to receive correspondence by email.

There is no fee in connection with this process.

2. The local authority may ask for further information if it needs it to make a decision about the impact of the development on the amenity of adjoining properties.

3. The local authority will serve a notice on adjoining owners or occupiers, i.e. those who share a boundary, including to the rear. This will give the address of the proposed development and describe it, including the information in 1(a) above. It will also set out:

- a. when the application was received, and when the 42-day determination period ends
- b. how long neighbours have to make objections (which must be a minimum of 21 days), and the date by which these must be received

A copy of this notice must also be sent to the developer.

4. If any adjoining neighbour raises an objection within the 21-day period, the local authority will take this into account and make a decision about

whether the impact on the amenity of all adjoining properties is acceptable. No other issues will be considered.

5. The development can go ahead if the local authority notifies the developer in writing either:

- a. that as no objections were received from adjoining neighbours it has not been necessary to consider the impact on amenity, or
- b. that following consideration, it has decided that the effect on the amenity of adjoining properties is acceptable.

6. If the local authority does not notify the developer of its decision within the 42-day determination period, the development may go ahead.

7. If approval is refused, the developer may appeal.

8. The extension must be built in accordance with the details approved by the local authority (or, if no objections were raised or the local authority has not notified the developer of its decision, the details submitted), unless the local authority agrees any changes in writing.

9. The development must accord with all other relevant limitations and conditions which apply to other rear extensions allowed under permitted development. These are set out in Class A, and include for example, the requirement that the extension must be constructed using materials of a similar appearance to those used in the construction of the rest of the house.

10. To benefit from these permitted development rights, the extension must be completed on or before 30 May 2016. The developer must notify the local authority in writing of the date of completion.

See paragraph A.1(ea) of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as inserted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, available at [legislation.gov.uk](http://legislation.gov.uk).

<sup>2</sup> See paragraph A.4 of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as inserted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, available at [legislation.gov.uk](http://legislation.gov.uk).