

Report

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Report to:	Planning Committee
Date of Meeting:	12 July 2005
Report by:	Executive Director (Enterprise Resources)

Subject:	Revised Scheme of Delegation – Planning and Building Control
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1 Purpose of Report

1.1 The purpose of the report is to:-

- ◆ Highlight approved revisions to the scheme of delegation in relation to planning and building control.

2 Recommendation(s)

2.1 The Committee is asked to note the following:-

- (1) that the Executive Committee of 22 June 2005 approved the revised scheme of delegation for planning and building control.
- (2) that it is proposed to implement the approved revised scheme of delegation for planning on 1 August 2005.
- (3) that the implementation of the revised scheme of delegation for building control has taken place with immediate effect.

3 Background

3.1 Planning

3.1.1 The number of planning applications determined in 2003/04 by SLC was 2226, continuing a rising trend since 2000/01 and up 4.7% on last year. The number of planning applications received rose by 16.7% on last year to 2677, and is up 56% on the figure for 2000/01.

These figures highlight a significant rise in householder applications over the last few years and this trend has continued, rising from 1054 determined last year to 1220 in 2003/04. For the first time in 3 years there was a fall in the number of non-householder applications determined, although the numbers determined for 2003/04 are still up 24% on the number decided in 2000/01.

Importantly, the figures also illustrate that although the *rate of increase* in applications being received is slowing, there has been a significant increase in the backlog of applications, with there being a far greater differential in 2003/04 than in previous years between the numbers of applications received in comparison to numbers determined.

Taking account of the above increase in application numbers, the Service has reviewed its staffing and internal procedures in order to maintain and improve performance. The approved increase in the threshold of applications which can be dealt with under powers delegated to the Executive Director, should also assist these aims.

The approved revised scheme of delegation is attached as Appendix A and it is proposed to implement this on 1 August 2005.

Members will note that the revisions to the scheme will allow delegation by the Executive Director as follows:

- (1) Small scale residential applications of up to 10 dwellings (if detailed application) or up to 1.0 hectare (if outline), which are consistent with policy. Current delegation levels are 5 units and 0.5 hectares respectively.
- (2) Refusal of all categories of delegated applications where this is consistent with policy. Current delegation only applies to refusals of advertisement and shopfront applications.

Approval has also been given to allow all categories of delegated applications, which are recommended for approval, which are consistent with policy, and which have up to 3 objectors, to be delegated. This would include all householder applications, small scale residential, commercial, industrial, small scale changes of use and so on. Currently any delegated application attracting an objection requires to be considered by Committee.

The only category of delegated application to be excluded from the above scheme would be small scale Notices of Intention to Develop (NIDs) with any number of objections. These would continue to be dealt with by Committee where objections have been received.

It should, however, be noted that the current practice whereby an elected member may request that any planning application be considered by Committee (as oppose to being delegated) would continue to apply. This would be done, as at present, through elected members initiating within 10 days of the week-ending date on the weekly list of planning applications, that they wish a particular application to be referred to Committee.

Whilst it is proposed to implement the new scheme of delegation on 1 August 2005, Members should note that this will primarily apply to applications received on or after this date. Applications which are currently being processed and have been the subject of objections, will continue to be referred to the appropriate Committee.

In addition to the above, Members should note that the document 'Guide to the Planning Application Decision Making Process' is currently being updated and re-published and will be circulated shortly. Consultees and Community Councils will also be notified of the revised scheme and will receive a copy of the new Guide.

3.2 Building Control

- 3.2.1 Changes to the existing scheme of delegation were required as a result of the introduction of the Building (Scotland) Act 2003 and associated legislation which became effective on 1 May, 2005.

As Members are aware building control currently have delegated authority to discharge all of the functions in terms of the relevant legislation and therefore building control matters are rarely referred to Committee. The revised scheme merely updates the position, indicating the new sections of the Act relevant to various actions and powers, and does not alter the current level of delegation.

Previously, all powers were conferred to the Authority, under the terms of the Building (Scotland) Act 1959. Certain provisions of that Act will remain in force, regarding issuing Building Warrants and Certificates of Completion on applications submitted prior to 1 May 2005. This situation will continue for 3 years. As a result of this situation, although the new scheme of delegation has been implemented with immediate effect in some regards, some current Building Warrants and Completion Certificates will continue to be processed as previously.

Appendix B is attached which sets out the terms of the revised scheme.

4 Employee Implications

- 4.1 There are no employee implications.

5 Financial Implications

- 5.1 There are no financial implications.

6 Other Implications

- 6.1 The revised scheme of delegation will mean that fewer applications will require to be considered by Committee, and should allow applications to be processed more efficiently.

7 Consultation

- 7.1 Full consultation was undertaken with all Resources in the course of the review of the Council's revised scheme of delegation and political management arrangements which were approved by the Executive Committee on 22 June, 2005.

Iain Urquhart
Executive Director (Enterprise Resources)

29 June 2005

Link(s) to Council Objectives

- ? Managing Resources

Previous References

- ? Report to Executive Committee 22 June, 2005, Review of Political Management Arrangements Supporting Documentation.

List of Background Papers

- ? Report to Executive Committee 22 June, 2005, Review of Political Management Arrangements Supporting Documentation.

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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Appendix A - Revised Scheme of Delegation for Planning Applications

- (1) To grant planning applications in the classes listed below subject to first notifying all Members of the Council of receipt of the application through issue of a Weekly List and allowing a period of at least 10 working days to elapse within which any Member may request that the application may not be dealt with by the Executive Director but be placed on the agenda of the appropriate Committee:-
- householder applications attracting no more than 3 objections including house extensions and alterations, dormer windows, garages, accesses, walls, fences and other means of enclosure and application made under Article 4 Directions in Conservation Areas;
 - residential applications involving up to 10 units not attracting more than 3 objections and entirely consistent with Local Plan policy;
 - small scale industrial and commercial applications not attracting more than 3 objections and involving up to a 50% increase in floorspace subject to a maximum of 1,000 sq.m or 3,000 sq.m in designated industrial estates or business parks;
 - amendments to housing, industrial and commercial developments not attracting more than 3 objections and involving changes to previously approved plans relating to minor changes to layouts, building details, house types, materials, accesses and boundary treatments;
 - reserved matters applications not attracting more than 3 objections, following the grant of outline planning consent, provided the proposal is consistent with the terms and conditions of that previous outline consent
 - alterations to shop fronts not attracting more than 3 objections;
 - sub-division of an existing house or conversion of existing buildings to form dwellings in existing residential areas and not attracting more than 3 objections;
 - listed building applications not attracting more than 3 objections and where there are no policy implications;
 - advertisement applications;
 - all renewals of planning permission or listed building consent
 - overhead electricity lines and electricity sub-stations and gas governor stations;
 - fulfilment of conditions attached to planning permissions;
 - cutting down, topping, lopping or destruction of trees covered by a confirmed Tree Preservation Order or within a Conservation Area;
 - minor developments by the Council (Notification of Intention to Develop – NID) not attracting objections;
 - small scale changes of use not attracting more than 3 objections

- sub-division of industrial, commercial or other non-residential properties not attracting more than 3 objections and entirely consistent with Local Plan policy;
- all planning applications within areas covered by confirmed Tree Preservation Orders

To determine telecommunications applications not attracting more *than* 3 objections

(2) To refuse applications for;

- advertisement and shopfronts
- all categories of delegated applications where this is consistent with policy

(3) To issue minor approvals and statutory notices including:-

- Certificates of Lawful Use
- Breach of Conditions Notices
- Applications for minor variations of planning consents
- Prior Notifications for agricultural developments
- Discontinuance Notices
- Determinations as to whether planning permission is necessary

(4) To reply on behalf of the Council to planning consultations from adjacent authorities and the Scottish Executive on matters which do not have major policy implications.

(5) To add rights of way to the Register for Lanark Council as amended by successor Councils and the court provided that:-

- at least 8 members of the public could provide satisfactory evidence
- reasonable steps had been taken to identify anyone with interest in the land, and that they had no objections

and, in that connection, to apply, in consultation with the Head of Legal Services, for a declarator on the appropriate sheriff court where any person with an interest in the land objected and where there were at least 8 witnesses in support of the existence of a right way, whether or not included in the Register.

In cases of immediate threat, to promote Tree Preservation Orders following consultation with the chair and/or Depute Chair of the Planning Committee and the local member.

(6) To conclude Section 75 planning agreements and other minor legal agreements in relation to delegated planning applications.

(7) In consultation with the Chair and/or Depute Chair of the Planning Committee, to deal with written submissions, Hearings and Public Inquiries in connection with:-

- appeals to the Scottish Executive against refusal of consent for advertisement, planning, listed building, mineral and other related statutory applications
- appeals against deemed refusal appeals to the Scottish Executive pending consideration by the relevant Committee

- (8) To determine the requirements for an Environmental Assessment and matters to be contained in a scoping report
- (9) To determine the requirement for a Retail Impact Assessment and matters to be contained in a scoping report
- (10) To discharge the Council's Planning Enforcement function, including declining to take enforcement action where appropriate

Appendix B – Revised Scheme of Delegation for Building Control

(1) To discharge the Council's Building Control function in terms of the Building (Scotland) Act 2003, the Building Fees Regulations 2004, Building Procedures)(Scotland)Regulations 2004 and the Building(Scotland) Regulations 2004, other than the following:-

- To refuse Building Warrant Applications where representations have been made against the refusal.

The discharge of duties includes issuing the following Statutory Notices:

- Section 25 Notice – Building Regulations Compliance
- Section 26 Notice – Continuing Requirement Enforcement Notice
- Section 27 Notice – Building Warrant Enforcement Notice
- Section 28 Notice – Defective Building Notice
- Section 29 Notice – Dangerous Buildings Notice
- Section 42 – Removal of occupiers of a defective or dangerous building.

Other duties include :-

- To issue Building Warrants
- To extend the period of life of a Building Warrant
- To accept or reject a Certificate of Completion
- To carry out Building Standards Assessments
- To impose continuing requirements on the building owners
- To maintain a publicly accessible Building Standards Register

To reply on behalf of the Council to relevant consultations from other Authorities and from the Scottish Executive on matters which do not have major policy issues.

To issue permissions and licences for the erection of raised platforms for seating or standing accommodation and for charging fees in respect of expenses incurred, in terms of Section 89 of the Civic Government (Scotland) Act 1982