

EAST HERTS COUNCIL

COUNCIL – 24 JULY 2013

REPORT BY MONITORING OFFICER

AMENDMENT TO CONSTITUTION IN RELATION TO DEVELOPMENT
MANAGEMENT PRIOR APPROVAL PROCESSES

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To amend the Council's Constitution to reflect national changes in permitted development rights.

RECOMMENDATIONS FOR COUNCIL: That:

(A)	in respect of delegation to officers relating to planning matters, the Council's Constitution be amended as set out at paragraph 2.3 of this report.
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1.0 Background

1.1 Members will be aware that the government introduced a new range of permitted development rights in May of this year. Permitted development (PD) rights enable development to take place without the need for planning permission to be sought.

1.2 For many of these new PD rights an associated 'prior approval' process has also been introduced. This remains a form of approval that is required from the Council as local planning authority before development can be undertaken. However there are two significant differences between the prior approval and planning permission processes. These are:

- the issues that can be considered in reaching the decision in relation to a prior approval matter are limited and defined in legislation;

- if the local planning does not issue a prior approval decision within a specified timescale, the development is deemed to have been approved by default.

1.3 Because of these specified timescales, which can be quite limited, it is necessary to ensure that appropriate delegated authority is in place.

2.0 Report

2.1 The range of prior approval processes introduced in the latest legislation relate to the following changes of use:

Existing use		Permitted change	
Use	Use Order Class	Use	Use Order Class
Office	B1a	Residential	C3
Business use	B1	State funded school	
Hotel	C1		
Residential institution	C2		
Secure residential institutions	C2A		
Assembly and leisure	D2		
Agricultural building		Shop	A1
		Financial and professional service	A2
		Restaurants and cafes	A3
		Business	B1
		Storage and distribution	B8
		Hotel	C1
		Assembly and leisure	D2

2.2 Delegated authority is sought to enable Officers to ensure that decisions are made in relation to all of the above permitted developments within the appropriate timescales. Provision has already been made to cover the processes associated with expanded householder PD rights.

2.3 To achieve this it is proposed that authority delegated to the Director of Neighbourhood Services and the Head of Planning and Building Control and part 3cF of the Constitution be amended by the deletion of points 25 and 26 and substitution of a new point 25 as follows:

Point 25 and 26: to be DELETED	
25	To determine applications as to whether prior approval is required to the siting, design and external appearance of development.
26	To determine submissions as to whether prior approval is required in relation to the impact of proposed residential extension development on the amenity of any adjoining premises, in accordance with Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended, unless the submission is one where a Member considers the delegated powers should not be exercised by the Director of Neighbourhood Services. In that case, the Member shall submit a request in writing to the Chairman of the Development Management Committee setting out why delegated powers should not be exercised. The Director of Neighbourhood Services shall determine whether delegated powers should be exercised in consultation with the Chairman and local ward Members.

NEW Point 25	
25	To determine submissions as to whether prior approval is required in relation to any of the forms of permitted development for which a prior approval process is required as set out in government regulations (as may be subsequently amended) and in relation to all of the matters which, as specified in the appropriate regulations, those approvals are to be made. Where the submission is one where a Member considers the delegated powers should not be exercised by the Director of Neighbourhood Services, in that case, the Member shall submit a request in writing to the Chairman of the Development Management Committee setting out why delegated powers should not be exercised. The Director of Neighbourhood Services shall determine whether delegated powers should be exercised in consultation with the Chairman and local ward Members.

2.4 Subsequent paragraphs 27 - 34 in this section would then be renumbered as 26 - 33.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

The Town and Country Planning (General Permitted Development) Order 1995 (as amended)

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