

2 JULY 2015

**PROPOSED CHANGES TO THE DECISION MAKING PROCESS RELATING TO CONSERVATION AREAS, NEIGHBOURHOOD PLANS AND ARTICLE 4 DIRECTION PLANNING POLICY WORK**

**Cabinet Member** Cllr Richard Chesterton  
**Responsible Officer** Team Leader Forward Planning

**Reason for Report:** To review the procedures for formulating and adopting planning policy and planning policy documents to reflect work streams previously omitted when planning policy procedures were previously considered by Council in 2012.

**RECOMMENDATIONS:**

1. That the Council approve the changed procedure for dealing with Planning Policy as set out below.
2. Following adoption the necessary changes are made to the Constitution.
3. The Scheme of Delegation to the Head of Planning and Regeneration be amended accordingly.

Type of Policy	Advisory Group	Cabinet	Council for approval of submission document or adoption	Requires separate meeting of Cabinet in each of the main three towns
Introduction of New Conservation Areas	Yes	Yes	Yes	No
Conservation Area Appraisals <i>(Changes to Conservation Area Boundaries Proposed)</i>	Yes	Yes	No	No
Conservation Area Appraisals <i>(Technical assessments with no boundary changes proposed)</i>	Yes	Delegated approval by the Head of Planning in consultation with the Local Ward Member(s) & Cabinet Member (P&R).		No
Article 4 Directions	Yes	Yes	Yes	No
Neighbourhood Plans	Yes	Yes	Yes	No
Neighbourhood Plan Area Designations	If approved and the proposed areas adhere to parish boundaries then decisions made by the Head of Planning in consultation with the Cabinet Member (P&R). If not approved, or does not follow Parish Boundaries, then decision referred to Cabinet.			No

**Relationship to Corporate Plan:** Planning decision making is relevant to key objectives within the Corporate Plan.

**Financial Implications:** None.

**Legal Implications:** Updating and clarification of authority in the manner suggested will reduce the risk of legal challenge based on the decision making process.

**Risk Assessment:** Clarification of delegated authority through the changes recommended will reduce risk of challenge and align the decision making route for conservation policy relating to Conservation Areas with that for other planning policy work.

**Consultation carried out with:** None.

## **1.0 Introduction**

- 1.1 At the meeting of Council on 11 January 2012 it was agreed that planning policy would no longer be determined by Planning Committee, but instead by Cabinet. The Planning Policy Advisory Group (PPAG) was set up as a working group to discuss planning policy and make recommendations to Cabinet. At the 22 March 2012 Cabinet meeting consideration was given to which policy documents would be appropriate to be considered at which forum.
- 1.2 Since these decision making arrangements were agreed, a number of anomalies have come to light relating to streams of planning policy work which were omitted from these discussions. In 2012 there had been no change to these omitted policy areas for sometime and as a result these issues were not considered when these decision making considerations were debated.
- 1.3 The areas of Planning Policy work referred to in this report, previously not considered in terms of revised decision making procedures, are as follows: Conservation Area Policy, Neighbourhood Plans and Article 4 Directions.
- 1.4 Also allied to this process is the current scheme of delegation to the Head of Planning and Regeneration. This was agreed by Planning Committee at the meeting of 2<sup>nd</sup> April 2003, and was amended at later meetings and most recently in March 2015. It sets out the powers of the Local Planning Authority that are delegated to the Head of Planning and Regeneration. These powers can be exercised by the postholder and are authorised by the Planning Committee. Importantly the designation of new Conservation Areas and amendments to the boundary of existing Conservation Areas are specifically referred to in the scheme of delegation from this Committee to the Head of Planning and Regeneration. This is at odds with other planning policy work as referred to above. Planning Committee at it's 1 July 2015 meeting will be considering a related paper which recommends amending the scheme of delegation to reflect the proposed changes to planning policy decision making set out in this report.

## 2.0 CONSERVATION AREA APPRAISALS

- 2.1 As referred to above, at the time Cabinet previously considered the decision making route for planning policy issues (22 March 2012), there had not been any changes to conservation areas for some time. As a result it was omitted from the report considered at the March 2012 Cabinet meeting. Following the recent work on Conservation Area appraisals it has come to our attention that the decision making procedures should be amended to incorporate Conservation Area decision making within the Cabinet decision route. Currently the approval process is the responsibility of Planning Committee.
- 2.2 It is recommended that, in order to be consistent with the decision making process for other policy documents, the determining body for Conservation Area policy work should be Cabinet with PPAG making recommendations.
- 2.3 It is also proposed that it is not necessary for Cabinet or Council to consider Conservation Character Appraisal work which does not propose changes to adopted Conservation Area boundaries; instead such appraisals could be subject to discussion at PPAG, with subsequent approval by the Head of Planning, the Local Ward Member(s) and the Cabinet Member for Planning and Regeneration.
- 2.4 This proposed change was considered at the meeting of the PPAG on 17<sup>th</sup> June 2015 and agreed:

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- 2.5 As explained above the scheme of delegation to the Head of Planning and Regeneration would also need to be revised. Planning Committee will consider this issue on 1 July 2015. An update will be reported verbally.

## 3.0 ARTICLE 4 DIRECTIONS

- 3.1 An Article 4 direction is made to restrict permitted development rights. Article 4 directions are made when the character of an area of acknowledged importance would be threatened. It does not in itself prohibit any action but

means that planning permission is required whereas without the Direction this would not be necessary. Currently Cullompton is the only part of the district which has an Article 4 Direction in place and it is currently being reviewed.

3.2 As with the Conservation Area Appraisals above an Article 4 Direction reassessment has not been undertaken for some time and recent work has identified that the decision making procedures needs updating to ensure consistency with other planning policy decision making. Similar to Conservation Area Appraisals it would seem appropriate for Cabinet, following consideration by PPAG, to approve proposals for consultation. It is recommended that any changes to an Article 4 direction should be approved by both Cabinet and Council.

3.3 This proposed change was considered at the meeting of the PPAG on 17<sup>th</sup> June 2015 and agreed:

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Article 4 Directions	Yes	Yes	Yes	No

#### 4.0 NEIGHBOURHOOD PLANS

4.1 Recent experience, from work in connection with designation of Neighbourhood Plan areas, is that often the required timescales regarding consultation and approval deadlines make it very difficult to meet statutory deadlines and enable items to go through the full committee cycle. The designation of neighbourhood plan areas is generally uncontentious. It is recommended that if the proposed areas adhere to parish boundaries then decisions, if approved, could be made by the Head of Planning and the Cabinet Member for Planning and Regeneration. It is proposed that this delegation would also apply to Neighbourhood Plans comprising of multiple parishes, so long as the area designated area proposed adheres to parish boundaries. However if the proposed Neighbourhood Plan area does not follow parish boundaries, or if the Head of Planning and the Cabinet Member are minded not to approve the designated area, then it should be considered by Cabinet for a decision. Changes in the government regulations now provide insufficient time for a decision to be considered by Council before the adoption deadline. Other decision making with respect to Neighbourhood Planning, such as at the Submission Stage, should be considered by PPAG and approved by both Cabinet and Council.

4.2 This proposed change was considered at the meeting of the PPAG on 17<sup>th</sup> June 2015 and agreed:

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<b>Contact for any more information</b>	Forward Planning Team Leader Mr Adrian Welsh 01884 234344
<b>Background Papers</b>	Scheme of Delegation to the Head of Planning and Regeneration Cabinet report of 22 March 2012 Planning Committee Report 1 July 2015 Council report 11 January 2012
<b>File Reference</b>	None.
<b>Circulation of the Report</b>	Cabinet Members Chair of Planning Committee