



GOVERNANCE COMMITTEE

31 August 2016

Subject Heading:

Exclusion of Prior Approvals from Councillor Call-In Process

CMT Lead:

Steve Moore, Interim Group Director,
Neighbourhoods

Report Author and contact details:

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Policy context:

Council's Constitution

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

- Havering will be clean and its environment will be cared for []
People will be safe, in their homes and in the community [X]
Residents will be proud to live in Havering [X]

SUMMARY

Alongside the processing of planning applications, the Council is also responsible for the handling of prior approval submissions. Unlike planning applications, prior approval submissions have strict timescales for determination which, if not adhered to, can result in their default approval irrespective of the Council's intended decisions. This report sets out the current approach to handling requests from Councillors to call in these applications to Regulatory Services Committee for determination.

This report was originally presented to Governance Committee on 26 May 2016, when it was deferred to enable Officers to a) find out what approach other London Boroughs take, b) provide further details on how Members are to be notified about these prior approvals and c) provide further details on the process prior approval submissions follow. This detail is set out in the report below. The original report is appended.

RECOMMENDATIONS

That the Governance Committee:

1. **Confirms** the approach set out within the report that prior approval submissions cannot be called-in for determination by the Regulatory Services Committee unless an Extension of Time Agreement has been sought and agreed by the applicant.

If the Committee confirms the proposal above:

2. To **refer the proposal to Council** for ratification and, in the interim, the proposal will take effect.

REPORT DETAIL

1. For certain types of development, rather than submitting an application for planning permission, an applicant is able to make a submission for prior approval. Unlike a planning application where all matters can be considered including the principle of the development, with a prior approval, only certain matters can be assessed depending upon the type of approval being sought.
2. Planning legislation currently allows for various prior approval submissions to be made. The list below identifies those submissions likely to be received by the Council. The timescale quoted in brackets is the period the Council has to make, and for the applicant to be in receipt of, its decision:
 - a. Larger Home Extensions (42 days, 6 weeks)
 - b. Certain changes of use (56 days, 8 weeks)
 - c. Certain temporary uses of building or land (56 days, 8 weeks)
 - d. Certain agricultural development (28 days, 4 weeks)
 - e. Forestry developments (28 days, 4 weeks)
 - f. Click and collect facilities (56 days, 8 weeks)
 - g. Demolition of buildings (28 days, 4 weeks)
 - h. Installation or alteration of solar equipment on non-domestic premises (56 days, 8 weeks)
 - i. Telecommunications development (56 days, 8 weeks)
3. In each case, if the applicant does not receive the Council's written notice of decision within the timescales stated, then the Council's decision

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automatically defaults to an approval irrespective of what the Council's decision would have been.

4. This report was originally presented to Governance Committee on 26 May 2016, when it was deferred to enable Officers to a) find out what approach other London Boroughs take, b) provide further details on how Members are to be notified about these prior approvals and c) provide further details on the process prior approval submissions follow.
5. All 32 London Boroughs were asked how they approach prior approval decision making and whether these types of submissions are reported to their equivalent Regulatory Services Committee. A response was received from 23 Boroughs, details of which are set out in the table below:

London Borough	Approach
Barking & Dagenham	Delegated powers primarily, however if there are 5 or more objections and the likely recommendation is approval, the agreement of the Chair and Deputy Chair of the Planning Committee is needed
Bexley	Delegated powers only
Bromley	Delegated powers, although Members retain the right to call-in to committee. Fortnightly committees facilitate this.
Camden	Delegated powers only
City of London	Delegated powers only
Croydon	Delegated powers only
Ealing	Delegated powers only
Greenwich	Delegated powers only
Hammersmith & Fulham	Delegated powers only
Harrow	Delegated powers only
Hounslow	Delegated powers only
Islington	Delegated powers only
Kensington & Chelsea	Delegated powers, although Members retain the right to call-in to committee. Fortnightly committees facilitate this. Receive few prior approvals
Kingston	Delegated powers only
Lewisham	Delegated powers only
London Legacy Development Corporation	Delegated powers only
Merton	Development powers only
Newham	Delegated powers only
Redbridge	Delegated powers only
Richmond	Larger home extensions via delegated powers. Delegated powers primarily for all other types of prior approval although Members retain the right to call-in to committee. Fortnightly committees

	facilitate this
Tower Hamlets	Delegated powers only
Wandsworth	Delegated powers primarily although 1 prior approval was called into committee after it received 700 objections.
Westminster	Delegated powers primarily, although for controversial scheme Members can ask for them to go to committee

6. Most of the London Boroughs who responded confirmed that the decisions are taken via delegated powers. Where a call-in ability exists, those Boroughs mainly have fortnightly meetings which enable reports to be taken within the prescribed timescales described at paragraph 2 above.
7. With regards to notifying Members about these submissions, the Planning Team currently produce a Weekly List which sets out all the planning applications received during the preceding week by ward. The Weekly List is published each Tuesday and is currently emailed to all Ward Councillors and published online via the Council's website. It is proposed that the scope of the Weekly List is expanded to include all prior approvals.
8. The Committee also asked for confirmation of the process involved for each of the prior approval types the Council commonly receives. The Council receives four main types of prior approval submissions: Larger Home Extensions, certain Changes of Use (primarily office to residential), Demolitions and Telecommunications Development. The process involved with each submission is set out below:

Larger Home Extensions (42 days, 6 weeks)

- Application can be submitted via the Planning Portal, by post or email
- Application number is allocated (Y prefix) and validation check is carried out to make sure that the application is complete
- Applicant is sent acknowledgement letter and neighbours are notified. Neighbours have a 21 day period to make comments
- If no comments are received during the 21 day period, then no further assessment is undertaken and confirmation of prior approval not being required is issued to the applicant in writing
- If comments are received, a case officer is assigned. The case officer visits the application site to assess the impact of the proposal upon neighbouring amenity
- An Officer Report is prepared together with a recommendation to approve or refuse (prior approval is or is not required)
- The recommendation is reviewed by a Team Leader or Manager and signed off
- The Decision Notice is dispatched. Dispatch must take place so that the decision is received by the Agent or Application within 42 days of receipt (Day 1 is the day after the application is received)
- If approved, the development must be completed on or before 30 March 2019 and the development must notify the Council of the completion in writing, as soon as reasonably practicable after completion

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- The Council receives no fee for these submissions
- During 2015-16, the Council determined 254 prior approvals for larger home extensions (this does not include submissions withdrawn prior to determination)

Changes of Use (56 days, 8 weeks)

- Application can be submitted via the Planning Portal, by post or email
- Application number is allocated (J prefix) and validation check is carried out to make sure that the application is complete
- Applicant is sent acknowledgement letter
- Neighbours and consultees are notified. Both have a 21 day period to make comments
- An Officer Report is prepared together with a recommendation to approve or refuse (prior approval is or is not required). Depending upon the type of change of use proposed, the Officer Report can only assess certain planning matters. For example, for an office to residential prior approval (the type the Council the receives most of), the report will review the transport and highways impacts of the development, noise impact, contamination and flooding risks on the site
- The recommendation is reviewed by a Team Leader or Manager and signed off
- The Decision Notice is dispatched. Dispatch must take place so that the decision is received by the Agent or Applicant within 56 days of receipt (Day 1 is the day after the application is received)
- If approved, the development must be commenced within 3 years starting with the date prior approval prior approval was given
- The Council receives £80 for each submission
- During 2015-16, the Council determined 24 prior approvals for changes of use (this does not include submissions withdrawn prior to determination)

Demolitions (28 days, 4 weeks)

- Application can be submitted via the Planning Portal, by post or email
- Application number is allocated (F prefix) and validation check is carried out to make sure that the application is complete
- Applicant must display a site notice by site display on or near to the land on which the building to be demolished is sited. The notice must be displayed for 21 days
- Applicant is sent acknowledgement letter
- An Officer Report is prepared together with a recommendation to approve or refuse (prior approval is or is not required). This solely focusses on the method for demolition
- The recommendation is reviewed by a Team Leader or Manager and signed off
- The Decision Notice is dispatched. Dispatch must take place so that the decision is received by the Agent or Applicant within 28 days of receipt (Day 1 is the day after the application is received)
- If approved, the demolition must be completed within 5 years starting with the date prior approval was given

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- The Council receives £80 for each submission
- During 2015-16, the Council determined 5 prior approvals for demolition (this does not include submissions withdrawn prior to determination)

Telecommunications Development (56 days, 8 weeks)

- Application can be submitted via the Planning Portal, by post or email
 - Application number is allocated (M prefix) and validation check is carried out to make sure that the application is complete
 - Applicant is sent acknowledgement letter
 - Neighbours and consultees are notified. Both have a 21 day period to make comments
 - An Officer Report is prepared together with a recommendation to approve or refuse (prior approval is or is not required). The assessment can only focus upon the siting and appearance of the installation
 - The recommendation is reviewed by a Team Leader or Manager and signed off
 - The Decision Notice is dispatched. Dispatch must take place so that the decision is received by the Agent or Applicant within 56 days of receipt (Day 1 is the day the application has been received)
 - If approved, the development must be commenced within 5 years starting with the date prior approval was given
 - The Council receives £385 for each submission
 - During 2015-16, the Council determined 30 prior approvals for telecommunications development (this does not include submissions withdrawn prior to determination)
9. The original report presented to Governance Committee on 26 May 2016 is appended.

IMPLICATIONS AND RISKS

Financial implications and risks:

The described changes to delegated powers would have no material financial implications.

Legal implications and risks:

There are no material legal implications. The Planning Service would continue to seek and incorporate Legal Advice where necessary.

It is noted that the report being presented to the Governance Committee is the correct procedure as set out in Article 11 of the Council's Constitution and will be presented to Full Council to make the final decision on whether to accept the proposal.

Human Resources implications and risks:

There are no material implications.

Equalities implications and risks:

There are no direct equalities implications arising from this report. Where relevant, the Planning Service would continue to seek and incorporate advice from the Council's Corporate Policy and Diversity team.

BACKGROUND PAPERS

None