



11th July 2017

Agenda Item:

REPORT OF CORPORATE DIRECTOR – PLACE

UPDATE ON THE COUNCIL'S SCHEME OF DELEGATION FOR MAKING DECISIONS ON PLANNING APPLICATIONS

Purpose of Report

1. To inform Members about the Council's scheme of delegation which is used for the determination of planning applications and in particular the method by which decisions are made and to approve some minor changes to the existing scheme.

Background information

2. The terms of reference of the Council's Planning and Licensing Committee are set out in the Council's constitution, and includes the delegation to officers of powers for which committee is responsible. The scheme of delegation sets out details of the types of planning applications that must be referred to Committee for a decision. All other applications can be determined by officers using powers delegated to them. The current scheme of delegation was last reviewed in October 2015. At that time Members asked that the scheme be monitored and that, following this, they be updated on the need for any changes. This report covers which applications have come before Members for a decision since the review and any action necessary.
3. The existing scheme setting out which applications must be reported to Planning and Licensing Committee for a decision is as follows:
 - (a) Applications involving a site area greater than 25 hectares or extraction/input in excess of 30,000 tonnes per annum or new development with a floor space in excess of 10,000 square metres;
 - (b) Applications involving a departure from the Development Plan and which meet the criteria for applications being referred to the Secretary of State before granting planning permission, plus development in a Flood Risk Area to which the County Council, as Lead Local Flood Authority, has made an objection. Departure applications which do not meet the criteria for referral to the Secretary of State will only be determined under delegated powers with the prior agreement of the Local Member;
 - (c) Applications accompanied by an Environmental Impact Assessment;

- (d) Applications which have Section 106 agreements/Planning obligations and those which have other financial implications for the County Council;
 - (e) Applications which have received valid planning objections, in writing, from the District/Borough or Parish Council or local Member within the statutory consultation period or within an extended period as agreed by the County Council, or where the local Member has requested that the application be referred to Planning and Licensing Committee for determination;
 - (f) Applications which have been referred to Committee by a local Member;
 - (g) Applications which are recommended for refusal unless the refusal is on the grounds of insufficient information;
 - (h) Applications which have received significant* objections, within the statutory consultation period or other such period as agreed with the County Council, from consultees or neighbouring occupiers (* for clarification, 'significant' objections requiring referral must i) raise material planning considerations, ii) be unresolvable by amendment to the scheme or imposition of planning conditions, iii) involve more than three objections from separate properties);
 - (i) Applications which are submitted by Place Department (or any subsequent Department following any future restructuring where the applicant is in the same Department as the Development Management Team) where these are the subject of any objections;
 - (j) Applications which raise issues of regional or national importance or relate to proposals involving emerging technologies;
 - (k) Applications involving the determination of new conditions for mineral sites and those involving the making and serving of orders for revocation, etc where compensation is likely to become payable.
4. Between November 2015 and April 2017 inclusive there were **138** decisions made on planning applications by the County Council. Of these, **90 (65%)** were delegated decisions and **48 (35%)** were decisions made by Planning and Licensing Committee. Details of the applications which were reported to Committee, together with the reasons for referral to committee and the decisions made are set out in **Appendix A** to this report. Of the **48** Committee decisions, **33** related to county matter applications and **15** were County Council developments. Two applications were reported to Committee twice having been deferred at the first meeting and taken back for a second time for a decision. Three further reports were taken to Committee for Members' information.

Issues

5. As set out above, between November 2015 and April 2017 the majority of decisions on planning applications were delegated to officers. During this time **49%** (33 out of 67) of County matter applications and **21%** (15 out of 71) County

Council applications were referred to Committee for a decision. The current scheme appears to be working well and sets the right balance of continuing to involve Members in the most significant and controversial applications whilst allowing a degree of delegation to help the Council in meeting statutory determination times set by central government. The most recently issued statistics, covering the annual period up to the year ending March 2017, show that the County Council determined 86% of County Matter applications within the statutory 13 week target, or within an extended period of time agreed with the applicant. The Government regularly reviews and increases the percentage of applications that need to be determined within 13 weeks. For applications currently being determined the figure stands at 60%. Failure to meet this target could result in the Council becoming “designated” and losing some of its planning functions.

6. Planning and Licensing Committee is the democratic element of the planning process. Reporting the most contentious planning applications to Committee gives objectors and applicants the opportunity to make their representations directly to Members, as well as enabling Members to debate proposals before decisions are reached. Notwithstanding this, bringing applications to Committee does inevitably lengthen the time taken to determine them. It is therefore appropriate that officers continue to determine under delegated powers those planning applications which raise little or no concerns to enable the County Council to meet its performance targets set by the Government.
7. **Appendix B** to this report sets out how often each of the criteria in the scheme of delegation was the reason that applications were referred to Committee. As expected, the most common criteria were the scale of the proposal, those which were the subject of objections and those accompanied by a legal agreement. In most instances applications fell into more than one category of the scheme of delegation, such as relating to a large scale development and being the subject of significant objections.
8. From examining the details of the planning applications submitted by Place Department it seems that some applications were inadvertently reported to Committee for a decision even though they were not subject to any objections (as per criterion (i) in the scheme of delegation). In future it is suggested that all Place Department applications be determined by officers unless they are the subject to any objections or meet one of the other scheme of delegation criteria. In the spirit of transparency this will allow Members to make decisions on any large scale or controversial Place Department applications.
9. Between November 2015 and April 2017 the County Council determined 39 applications to vary conditions attached to planning permissions (‘Section 73 applications’). Of these, 18 were delegated decisions and 21 were reported to Planning and Licensing Committee for a decision. Officers consider it beneficial to continue to report any variation applications which meet any of the criteria in the scheme of delegation as they can relate to potentially controversial issues, such as extending the life span of a quarry or changes to the hours of operation.
10. However, a further criterion is recommended relating to Section 73 applications involving the variation or removal of a condition which Members of Planning and

Licensing Committee have requested be brought back to Committee for determination (see criterion I below). This could for instance relate to matters, such as increasing the number of HGV movements etc, which Members attached particular importance to when the application was first determined. Any such condition would be highlighted as an informative attached to the original planning permission which officers would refer to should any variation application be subsequently submitted.

11. One further minor change involves amending criteria (h) which relates to objections to read “four or more”, in place of “more than three”. This does not alter the number of objections needed to trigger a committee decision but it is felt that it is less ambiguous. In the event that fewer than four objections are received from separate properties, any of the individual objectors can request their local member refers the application to committee for determination, see criterion (f) below.
12. The revised Scheme of Delegation proposed is as follows (changes shown in bold):
 - (a) Applications involving a site area greater than 25 hectares or extraction/input in excess of 30,000 tonnes per annum or new development with a floor space in excess of 10,000 square metres;
 - (b) Applications involving a departure from the Development Plan and which meet the criteria for applications being referred to the Secretary of State before granting planning permission, plus development in a Flood Risk Area to which the County Council, as Lead Local Flood Authority, has made an objection. Departure applications which do not meet the criteria for referral to the Secretary of State will only be determined under delegated powers with the prior agreement of the Local Member;
 - (c) Applications accompanied by an Environmental Impact Assessment;
 - (d) Applications which have S106 agreements/Planning obligations and those which have other financial implications for the County Council;
 - (e) Applications which have received valid planning objections, in writing, from the District/Borough or Parish Council or local Member within the statutory consultation period or within an extended period as agreed by the County Council;
 - (f) Applications which have been referred to Committee by a local Member;
 - (g) Applications which are recommended for refusal unless the refusal is on the grounds of insufficient information;
 - (h) Applications which have received significant* objections, within the statutory consultation period or other such period as agreed with the County Council, from consultees or neighbouring occupiers (* for clarification, ‘significant’ objections requiring referral must i) raise material planning considerations, ii) be irresolvable by amendment to the scheme or

imposition of planning conditions, iii) involve **four or more** objections from separate properties);

- (i) Applications which are submitted by Place Department (or any subsequent Department following any future restructuring where the applicant is in the same Department as the Development Management Team) where these are the subject of any objections;
 - (j) Applications which raise issues of regional or national importance or relate to proposals involving emerging technologies;
 - (k) Applications involving the determination of new conditions for mineral sites and those involving the making and serving of orders for revocation, etc where compensation is likely to become payable;
 - (l) Applications for variations (Section 73 applications) to planning permissions which involve the variation or removal of a condition which Members of Planning and Licensing Committee requested be brought back to committee for determination.**
13. It is not anticipated that the changes will result in a significant change to the number of applications being reported to committee. However, in line with the previous review of the scheme of delegation, officers will continue to monitor the scheme and report back to Members should any further amendments be considered after further review.

Other Options Considered

14. As members requested a period of monitoring and review, if necessary, of the scheme of delegation no alternative options have been considered.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below.

Implications for Service Users

16. The proposed minor amendments to the scheme of delegation are considered to add clarity and reduce ambiguity for service users, including applicants, agents and consultees, as well as planning officers and Members alike. It is not anticipated that the changes will result in a significant change to the number of applications being reported to committee.

Human Rights Implications

17. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

RECOMMENDATIONS

It is RECOMMENDED that Members note the details of the planning applications reported to Planning and Licensing Committee during the period of monitoring of the scheme of delegation and approve the proposed minor changes to the Scheme of Delegation.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [RHC 8/6/2017]

18. Planning & Licensing Committee is the appropriate body to consider the contents of this report.

Comments of the Service Director - Finance [RWK 07/06/2017]

19. There are no specific financial implications arising directly from this report.

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Divisions and Members Affected

All

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For any enquiries about this report, please contact the report author.

Appendix A – Planning applications referred to Planning and Licensing Committee between November 2015 and April 2017

Date of Committee	Address	Summary of proposal	Reason for referral to Committee	Committee decision
17 th November 2015	Yellowstone Quarry, Linby	Extend life of quarry for additional 20 years and vary condition limiting HGVs from daily to weekly cap.	<ul style="list-style-type: none"> - Parish council objections - 4 objections - S106 	Approved as per recommendation.
	Sherwood Forest Country park and Visitor Centre	Demolition of visitor centre and associated works	<ul style="list-style-type: none"> - 35ha site area - EIA development 	Approved as per recommendation.
8 th December 2015	Besthorpe Quarry, Newark	Variation of conditions to allow an extension of time to extract remaining sand and gravel and to allow wharf facility, including conveyor.	<ul style="list-style-type: none"> - 105 hectares site area - EIA development - 250,000 tonnes per year (800,000 still to be extracted) - S106 agreement 	Approved as per recommendation
19 th January 2016	Land off Springs Road, Misson	Installation of ground water monitoring boreholes	<ul style="list-style-type: none"> - Significant number of local objections - Parish council objections 	Approved as per recommendation
	College House Junior School	Erection of single storey classroom	<ul style="list-style-type: none"> - 9 letters received (3 not raising objections) - Application by Place Department 	Approved as per recommendation

	Muskham Lakes, Great North Road, Newark	Excavation of two stock pond, construction of a central bank in Bridge Lake through importation of inert materials etc	- 39,000m3 of material (equates to 57,800 tonnes)	Approved as per recommendation
	Wigwam Lane, Hucknall	Construction of new Waste Transfer Building to reduce dust and noise, including overflow picking station	- 75,000 tonnes per annum - S106 agreement	Approved as per recommendation
	Springwater Golf Club, Calverton	Improvements to practice range and relocation and raising of the 10 th tee	- 170,000 tonnes of imported waste - S106 agreement	Approved as per recommendation
23 rd February 2016	Stud Farm, Rufford (application1)	Amendment to the design of the previously approved anaerobic digesters, increasing their height to 16.5m	- Rufford and Bilsthorpe Parish Councils object to the application - 2 Members requested referral to P&L Committee - S106 agreement	Approved as per recommendation
	Stud Farm, Rufford (application2)	Installation of gas pipeline to supply biogas from anaerobic digester	- Rufford and Bilsthorpe Parish Councils object to the application - 2 Members requested referral to P&L Committee	Approved as per recommendation

	Rufford Colliery, Rainworth	3 separate applications, two to vary planning conditions and one to increase the coal fines stocking and blending area	<ul style="list-style-type: none"> - Site area 22.3ha - Increase in coal deliveries from 6,000 to 10,000 tonnes per week 	Approved as per recommendation
	Misson Sand and gravel, Bawtry Road, Misson	Extension to existing Misson grey sand quarry	<ul style="list-style-type: none"> - output 33,000 per annum 	Approved as per recommendation
	Clayfields House, Stapleford	Demolish and replace existing residential block and construct a linked vocational block with associated external works	<ul style="list-style-type: none"> - 22 letters of objection 	Approved as per recommendation
	County Hall, West Bridgford	Demolition of clasp office accommodation, and associated works	<ul style="list-style-type: none"> - Place Department application 	Approved as per recommendation
	Manor Park Infants and Nursery School, Calverton	Single storey foundation classroom extension with canopy and landscaping	<ul style="list-style-type: none"> - Parish Council objection 	Approved as per recommendation
22 nd March 2016	Bilsthorpe Highways Depot, Bilsthorpe Business Park, Eakring Road	Erection of a modular building with link canopy	<ul style="list-style-type: none"> - Place Department application 	Approved as per recommendation
	Scrooby South Quarry, Great North Road,	Variation of Condition 1 to enable minerals	<ul style="list-style-type: none"> - Output 72,000tpa 	Approved as per recommendation

	Scrooby	development to be completed by 31/12/2023		
26 th April 2016	Coneygre Farm, Hoveringham	Variation of conditions to extend the life of the waste recycling facility for further 5 years and allow stockpiles to be increased to 8m	- Material imputed into the site 47,000 tonnes per annum	Approved as per recommendation
	Land off Welshcroft Close, Kirkby in Ashfield	New waste transfer station	- Throughput of 75,000 tonnes of waste per annum	Approved as per recommendation.
24 th May 2016	Horsendale Primary School	Erection of two, two-classroom freestanding buildings and use of maintenance gate as a pedestrian entrance.	- Ten letters received commenting /objecting to the application	Approved as per recommendation.
	Sherwood Forest Golf Club and former Mansfield Colliery Tip, Eakring Road, Mansfield	Remodelling of golf club using imported waste and construction waste	- Six letters of representation received	Approved as per recommendation.
	Land adjoining Stoke Bardolph Sewerage treatment works, Stoke Bardolph	Extension to existing anaerobic digestion facility utilising energy crops	- Processing of 35,000 tpa	Approved as per recommendation.
	Harworth Colliery spoil tip, Blyth	Vary condition 3 to extend the time for	- Parish council objection	Approved as per recommendation

	Road, Harworth	restoration for further 12 months		
	Stanhope Primary and Nursery School, Keyworth Road, Gedling	Erection of single storey classroom, enlargement of staff carpark and new play area	<ul style="list-style-type: none"> - 5 letters of objection/representation received - Place Department application 	Approved as per recommendation.
28 th June 2016	Summary of the Housing and Planning Act 2016 and its implications for the County Council's planning work	Report for Members' information only	<ul style="list-style-type: none"> - To inform Members of the likely impacts on planning work 	Comments noted.
	Grove Leisure Centre, Newark	Prior notification of proposed demolition of sports centre, leisure and community centre.	<ul style="list-style-type: none"> - Place Department application 	Approved as per recommendation.
	Worksop Bus Station	Installation of vertical bar railings at back of footway	<ul style="list-style-type: none"> - Place Department application 	Approved as per recommendation.
	John Brooke sawmills, Fosseyway, Widmerpool	<p>2 applications-</p> <p>Placement of a biomass boiler, with flue, and construction of a new enclosure to cover 2 dryers and change of use of the existing building to a dry pellet</p>	<ul style="list-style-type: none"> - increase in throughput from 20,000 tonnes to 60,000 tonnes throughput of waste per annum - Objection from Parish Council to both applications 	Approved as per recommendation.

		store. And second application for, Additional hardstanding, construction of wall for noise attenuation and the re-orientation of the wood shredding building.		
	Bunny materials recycling facility, Bunny	Section 73 to vary conditions to extend operational hours to allow for 12 outbound pre-loaded HGV movements from the site	- Nine objections received	Item deferred
19 th July 2016	Newstead and Annesley Country Park, Newstead Village	Improvement works to the country park, involving infilling of lake and landscaping requiring the importation of 17,000 cubic metres of inert materials.	- Refusal due to unacceptable highway safety and amenity impacts (as a consequence of failure to complete a legal agreement)	Refused as per recommendation
	King Edward Primary School, St Andrew Street Mansfield	New 8 class building and ancillary works	- Six letters of objection received	Approved as per recommendation
20 th September 2016	Sherwood Forest Center Parcs	Installation of combined heat and power plant land at	- Parish Council objection	Approved as per recommendation.

		Sherwood Forest		
	Stud Farm, Rufford	Construction of a digestate storage lagoon for an anaerobic digestion plant	- Parish Council objection	Approved as per recommendation.
	Staple Landfill, Grange Lane Cotham	To vary Condition 46 of planning permission, revision to approved restoration scheme	- S106 agreement (deed of variation)	Approved as per recommendation
5 th October 2016	Land off Springs Road, Misson	To develop a hydrocarbon wellsite and drill up to two exploratory hydrocarbon wells by use of drilling rig and ancillary works.	- Significant objections - Parish Council - S106 - EIA - Emerging technology	Meeting adjourned to enable legal advice to be sought on matter relating to a legal covenant
18 th October 2016	Prospect Hill Infants and Nursery School, Worksop	Retrospective application to retain a pole mounted CCTV camera	- Referred to Committee by local Member	Approved as per recommendation
	All wards	Response to DCLG on the technical consultation on improving the use of planning conditions	- Members' approval needed to endorse comments to DCLG	Approved as per recommendation
	Bunny Materials recycling facility, Bunny	Section 73 application to vary conditions to extend permitted	- Objections from Bunny and Bradmore parish Councils	Withdrawn from agenda

		operational hours and allow 10 outbound pre-loaded HGV movements from the site	<ul style="list-style-type: none"> - Two objections and petition with 268 signatures - Legal agreement 	
15 th November 2016	Land off Springs Road, Misson	To develop a hydrocarbon wellsite and drill up to two exploratory hydrocarbon wells by use of drilling rig and ancillary works.	<ul style="list-style-type: none"> - Significant objections - Parish Council - S106 - EIA - Emerging technology 	<p>Meeting reconvened to discuss item adjoined at 5th October Committee</p> <p>Approved as per recommendation</p>
	Ashlea school, Cotgrave	Two storey extension replacing 2 mobile buildings, 3 car parking spaces etc	<ul style="list-style-type: none"> - Application reported to Committee because conditions recommended by Rushcliffe BC are not fully reflected in the recommendation 	Approved as per recommendation
	Beeston Library, Beeston	Relocation of entrance and refurbishment works	<ul style="list-style-type: none"> - Place Department application 	Approved as per recommendation
20 th December 2016	Bunny Materials recycling facility, Loughborough Road	<p>Section 73 application to vary conditions to extend permitted operational hours and allow 10 outbound pre-loaded HGV movements from the site</p> <p>(withdrawn from</p>	<ul style="list-style-type: none"> - Objection from Bunny Parish Council /comments from Bradmore PC - 11 letters of objection received - Departure application - S106 legal 	Approved as per the recommendation.

		October's meeting)	agreement	
	Walker Street, Eastwood	Erection of two storey primary school and nursery school and ancillary works.	<ul style="list-style-type: none"> - Departure application - Five letters of representation received 	Approved as per the recommendation
	East Leake Quarry, Rempstone Road, East Leake	Variation of conditions to extend duration of extraction and restoration	<ul style="list-style-type: none"> - Departure application - S106 agreement 	Approved as per the recommendation
	Canalside Industrial Park, Cropwell Bishop	Update Members on the outcome of the appeal decision which was to grant planning permission	<ul style="list-style-type: none"> - For Members' information 	Members noted the information
17 th January 2017	Oxton Composting facility, Oxton	New access road, vary 9 conditions and increase capacity to 75,000 tpa	<ul style="list-style-type: none"> - Increased capacity from 55,000 to 75,000 tpa - Parish Council concerns 	Approved as per recommendation with amendments
	Government proposal to extend the designation regime for underperforming authorities	Report for Members' information only	<ul style="list-style-type: none"> - To inform Members of the possible implications for the County Council 	Members noted the report
21 st February 2017	Marblaegis mine, Gotham Road, East Leak	<p>3 separate applications;</p> <p>1 and 2 to vary conditions attached to two</p>	<ul style="list-style-type: none"> - Members' approval needed for variation of permissions involving extending the life 	Approved as per recommendation

		<p>permissions to extend operation of mine until 2042 and</p> <p>3 Periodic review of minerals permissions (ROMP)</p>	of the quarry	
21 st March 2017	Land West of Drove Lane, Newark	Temporary use of land for recycling of material, including processing, crushing and screening	- Refusal	Refused as per recommendation
	Two Oaks Quarry, Sutton in Ashfield	Variation of condition to increase limits for annual HGV movement	- Over 30,000 per annum	Approved as per recommendation
	Tinker Lane, near Retford	Exploratory vertical well for shale gas exploration for a three year period	<ul style="list-style-type: none"> - Significant objections - EIA - S106 agreement - Parish Council objection - Emerging technology 	<p>Approved as per recommendation</p> <p>with some changes to a proposed condition</p>
18 th April 2017	Eurotech Environmental Ltd, Newark	Erection of 3 storage tanks, variation of Conditions 4,5,6 and removal of Conditions 12 and 13 of pp 3/97/0654	<ul style="list-style-type: none"> - EIA - 75,000 tpa 	Approved as per recommendation
	Carlton Forest Quarry, Blyth	Variation of Conditions 2 and	- 50,000tpa	Approved as per recommendation

	Road, Worksop	5 of pp to extend times		
	Girton Quarry, Girton, Newark	2 separate applications :- Variation of Conditions to extend duration of quarry and restoration scheme	<ul style="list-style-type: none"> - S106 agreement - Output 200,00tpa 	Approved as per recommendation

Appendix B – Existing scheme of delegation and number of applications per criterion referred to Planning and Licensing Committee between November 2015 and April 2017

Applications involving a site area greater than 25 hectares or extraction/input in excess of 30,000 tonnes per annum or new development with a floor space in excess of 10,000 square metres	18
Applications involving a departure from the Development Plan and which meet the criteria for applications being referred to the Secretary of State before granting planning permission, plus development in a Flood Risk Area to which the County Council, as Lead Local Flood Authority, has made an objection. Departure applications which do not meet the criteria for referral to the Secretary of State will only be determined under delegated powers with the prior agreement of the Local Member	3
Applications accompanied by an Environmental Impact Assessment	5
Applications which have S106 agreements/Planning obligations and those which have other financial implications for the County Council	13
Applications which have received valid planning objections, in writing, from the District/Borough or Parish Council or local Member within the statutory consultation period or within an extended period as agreed by the County Council, or where the local Member has requested that the application be referred to Planning and Licensing Committee for determination	15
Applications which have been referred to Committee by a local Member	3
Applications which are recommended for refusal unless the refusal is on the grounds of insufficient information	2
Applications which have received significant* objections, within the statutory consultation period or other such period as agreed with the County Council, from consultees or neighbouring occupiers (* for clarification, 'significant' objections requiring referral must i) raise material planning considerations, ii) be irresolvable by amendment to the scheme or imposition of planning conditions, iii) involve more than three objections from separate properties)	14
Applications which are submitted by Place Department (or any subsequent Department following any future restructuring where the	5

applicant is in the same Department as the Development Management Team) where these are the subject of any objections	
Applications which raise issues of regional or national importance or relate to proposals involving emerging technologies	3
Applications involving the determination of new conditions for mineral sites and those involving the making and serving of orders for revocation, etc where compensation is likely to become payable.	0