

Somerset West and Taunton Council

Annual Council – 24 May 2022

Formal delegation to the Parish Councils of Wellington, Pitminster and Milverton to determine specified types of planning application until 31 March 2023

This matter is the responsibility of Councillor Coles

Report Author: Alison Blom-Cooper, Assistant Director Strategic Place and Planning

1 Executive Summary/Purpose of the Report

- 1.1 This report seeks authorisation for the District Council as the Local Planning Authority to delegate to the three Parish Councils its powers to determine planning applications for development of the type set out in Paragraph 4.2 of this report. As part of the arrangement the three Parish Councils will agree to pay the sum of £150 per meeting for the attendance of a Planning Officer to decide any planning application delegated to them.

2 Recommendations

- 2.1 Agree the formal delegation to the Parish Councils of Wellington, Pitminster and Milverton under S101 of the Local Government Act 1972 and S1 of the Localism Act 2011 to determine specified types of planning application as set out in paragraph 4.2 of this report and included in a delegation agreement until 31 March 2023.

3 Risk Assessment

- 3.1 Any risk to the agreement to the delegation arrangements for determining planning applications by Parish Councils will be addressed by agreeing the recommendation set out in this report.

4 Background and Full details of the Report

- 4.1 Following a pilot scheme in 1993 the former Taunton Deane Borough Council had in place the delegation of decision making of some planning applications to Parish Councils in the Taunton Deane area since 1994. Since the pilot scheme was first introduced it has been reviewed and renewed on a number of occasions, but it would seem that no formal decision was taken by SWT Full Council. We have been continuing to operate the delegation on an informal arrangement whereby officers attend the Parish Council meeting as they would normally do and the PC recommendation is then used by officers to determine the application under delegated powers. However a formal decision is a requirement as the Council's Constitution currently provides under Article 11.3.1 that the Council may delegate Non-Executive functions to another local authority. The determination of planning applications is a Non-Executive function and the power to

delegate to another local authority (in this case the Parish Councils) is reserved to Full Council. This report is therefore being brought to Full Council to renew the delegation arrangements with Wellington, Pitminster and Milverton Parish Councils until the 31 March 2023 and the establishment of the new Somerset authority.

4.2 As has been the practice in the delegation agreements with the Parish Councils operating from 1993 the list of proposed applications to be delegated to the Parish Councils is as follows:

- A.** Householder Applications (being applications within the curtilage of a dwelling house which require planning permission and are not a change of use including extensions, conservatories, loft conversions, dormer windows, alterations, garages, car ports or outbuildings, swimming pools, walls, fences, domestic vehicular accesses, footway crossovers, porches and satellite dishes BUT EXCLUDING applications relating to any work to two or more flats, applications to change the number of dwellings (flat conversions, building a separate house in the garden), change of use to part or all of the property to non-residential (including business) uses, anything outside the garden property (including stables if in a separate paddock).
- B.** Minor alterations to shops, community and business premises
- C.** Change of use within Class E(a) (display or retail sale of goods other than hot food), Class E(b) (sale of food and drink for consumption (mostly) on the premises), Class E(c) (financial services, professional services (other than health or medical services) and other appropriate services in a commercial, business or service locality) of the Town and Country Planning (Use Classes) Order 1987 (as amended), drinking establishments (sui generis) and hot food take-aways (sui generis)
- D.** Advertisements
- E.** The formation and alteration to existing accesses
- F.** Overhead electricity lines not exceeding 11kv
- G.** Temporary sitting of single caravans other than as agricultural workers dwellings or gypsy and traveller use.
- H.** Change of use from agriculture to domestic curtilage
- I.** Erection of stables on agricultural land

It should be noted that the proposed delegation specifically excludes Retrospective applications where work has already been completed and where an application for Listed Building or Conservation Area Consent is also required in addition to any application for planning permission or consent which falls within the above categories which fall within the above categories and that these will remain to be determined by the District Council.

4.3 If agreed, the Council will put in place signed delegation agreements with the Parish Councils which will set out the notification process and decision-making process to be followed. As for the Planning Committee meetings public speaking provisions for the

Parishes Councils will be similar. There is a requirement for all Parish Councillors who wish to determine planning applications to first receive planning training. A planning officer attends the Parish meetings as a formal advisor and must be present when applications are determined. A charge of £150 per meeting is made for the planning officer attendance and will be included in the delegation agreement.

5 Links to Corporate Strategy

- 5.1 This proposal links to the high priority outcomes for the Council's Corporate Strategy 2020-2024 and the priority theme to ensure a transparent and customer focused council and the objective to enable greater participation by all Councillors and the public.

6 Finance/Resource Implications for Somerset Council in future years

- 6.1 There are no future resource implications as the proposed delegation agreements would run to 31 March 2023. The cost of providing a planning officer in attendance at the meetings is paid by the relevant Parish Council.

7 Legal Implications

- 7.1 The report is brought to full Council to enable the delegation of decisions on certain types of planning applications to be determined by the three Parish Councils in accordance with the requirements of legislation

8 Partnership Implications

- 8.1 The three Parish Councils have all expressed an interest in maintaining the current decision making on planning applications and agreeing an updated delegation agreement

9 Health and Wellbeing Implications

- 9.1 Effective and convenient local arrangements can contribute to the promotion of improved wellbeing for communities

10 Data Protection Implications

- 10.1 The Council will comply with GDPR in respect of the determination of planning applications by the Parish Councils.

11 Consultation Implications

- 11.1 Appropriate liaison has taken place with the three Parish Councils as part of the discussions about renewal of the delegation agreements.

Democratic Path:

- **Scrutiny / Audit and Governance Committee – No**
- **Executive – No**
- **Full Council – Yes 24 May 2022**

Reporting Frequency: Once only

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