



## THE RUGBY BOROUGH COUNCIL

You are hereby summoned to attend an ORDINARY MEETING of the Rugby Borough Council, which will be held at the TOWN HALL, RUGBY, on Tuesday 15<sup>h</sup> November 2016 at 7pm.

**NOTE:** *There will be a presentation to all Members at 6.00pm in the Council Chamber immediately prior to the meeting concerning dementia awareness.*

### A G E N D A

#### PART 1 – PUBLIC BUSINESS

1. Apologies for absence.
2. To approve the minutes of the Special Meeting of Council held on 20<sup>th</sup> September 2016.
3. Declaration of Interests.  
To receive declarations of -
  - (a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;
  - (b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and
  - (c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.
4. To receive the Mayor's Announcements.
5. Questions pursuant to Standing Order 10.

6. To receive any reports of Cabinet and Committees which have met since the last meeting of the Council and to pass such resolutions and to make such orders thereon as may be necessary:

**(a) Planning Committee - 19<sup>th</sup> October 2016**

(1) Amendment to the Scheme of Delegation – Variation and Removal of Planning Conditions attached to major applications and revocation of hazardous substance.

(2) Amended Procedure for Members' requests for site visits by Planning Committee.

7. Notice of Motion pursuant to Standing Order 11.

To consider the following Motion of which notice has been duly given under Standing Order 11.

(a) "The Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6th April 1951, who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification.

Hundreds of thousands of women had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little/no/personal notification of the changes. Some women had only two years notice of a six-year increase to their state pension age.

Many women born in the 1950's are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment.

Women born in this decade are suffering financially. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure when reaching 60. It is not the pension age itself that is in dispute - it is widely accepted that women and men should retire at the same time.

The issue is that the rise in the women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements.

The Council calls upon the Government to reconsider transitional arrangements for women born on or after 6th April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements."

Councillor C Edwards  
Councillor M O'Rourke

(b) "Council requests that the local plan consultation that closed on 11th November should remain open until 16th December to allow further representations to be made in regard to addressing fully the public's concerns regarding the housing numbers allocated and the infrastructure such as highways and health needs of the plan."

Councillor N Sandison  
Councillor J Roodhouse

(c) "Council calls upon the Leader to review Cabinet's decision to suspend the green bin organic recycling service for three months and report back to the first available scrutiny meeting in November."

Councillor J Roodhouse  
Councillor T Douglas

8. Correspondence.
9. Common Seal

To order the affixing of the Common Seal to the various orders, deeds and documents to be made or entered into for carrying into effect the several decisions, matters and things approved by the Council and more particularly set out in the Committees' Reports adopted at this meeting.

## **PART 2 – EXEMPT INFORMATION**

1. To receive any private reports of officers.
  - (a) Voluntary Redundancy Requests 2016/17 - to receive the private report of the Head of Corporate Resources and Chief Financial Officer.

DATED THIS 4th day of November 2016

### **Executive Director**

To: The Mayor and Members of Rugby Borough Council

### **QUESTIONS AT COUNCIL**

*A Councillor may ask a Question at the meeting by giving notice in writing of the Question to the Chief Executive no later than midday on Wednesday 9<sup>th</sup> November 2016. The rules relating to Questions are set out in Standing Order 10 of Part 3a of the Constitution.*

**REPORT OF PLANNING COMMITTEE**

19 October 2016

**PRESENT:**

Councillors Mrs Simpson-Vince (Chairman), Mrs Avis, Mrs A'Barrow, Butlin, Cranham, Ellis, Gillias, Lewis, Sandison, Srivastava and Helen Taylor.

**1. AMENDMENT TO THE SCHEME OF DELEGATION – VARIATION AND REMOVAL OF PLANNING CONDITIONS ATTACHED TO MAJOR APPLICATIONS AND REVOCATION OF HAZARDOUS SUBSTANCE**

The Committee considered the following report.

**Background for Determining Applications to Vary or Remove Conditions Attached to Major Applications**

When granting planning permission for major applications it is normally the case that this is subject to planning conditions. Such conditions are used to enhance the quality of development. They also enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development.

Planning legislation allows for a developer to apply to the Council to vary or remove any conditions which they do not wish to comply with. This often arises because of a change of circumstances (e.g. the timing of certain works) or because the developer wants to change part of the scheme (e.g. to alter the appearance of a dwelling).

The Council can only consider the conditions that are the subject of the application – it is not an opportunity to completely re-consider the original application. Where such an application is approved it results in a new planning permission being granted. The original planning permission continues to exist whatever the outcome of the application.

The Scheme of Delegation currently allows the Head of Growth and Investment to determine applications to vary or remove conditions relating to all applications. However, exceptions to this include major applications. In this respect applications to vary or remove conditions relating to major applications are classified by the Government as major applications in their own rights. The Head of Growth and Investment consequently cannot determine these applications under delegated powers.

## **Issues With Current Process for Determining Applications to Vary or Remove Conditions Attached to Major Applications**

The Government is keen to ensure that Council's improve the speed in which they determine applications. In this respect the current process leads to delays in the time in which the Council can issue decision notices for applications to vary or remove conditions attached to a major application. This is because such applications have to be presented to the next Planning Committee once the Officer Report is completed. Owing to the agenda print deadlines this can delay an application being determined by over 4 weeks following completion of the Officer Report. If Officers were given delegated powers to determine such applications the Council could therefore determine them within a much quicker time. In doing this it would also reduce the risk of the Council failing to determine such applications within the statutory 13 week timeframe.

Although classified as major applications, proposals to vary or remove conditions attached to major applications are typically of a minor, straightforward and simple nature. The following two applications which were determined by Planning Committee help to illustrate this:

Application R16/0480: The original major application was for the "Erection of an indoor menage to replace the approved stable block and exercise paddock". Following the grant of planning permission the applicant wanted to make some minor changes to the scheme. They consequently applied to vary a condition relating to the approved plans to show changes which increased the size of the building by 1.50 metres to the front and 1 metre to the side. This resulted in an approximately 6% increase in the size of the building with some associated changes to the design of the ménage. The application was reported to Planning Committee where a decision was made to approve the proposed variation of condition in accordance with the Officer recommendation.

Application R15/1503: The original major application was for the "Extension to Lime Tree Village to form 30 bed care home, 47 extra care cottages, 12 extra care apartments with associated communal facilities, open space & car parking". Following the grant of planning permission the applicant wanted to make one of the approved extra care cottages on one plot slightly larger. They consequently applied to vary a condition relating to the approved plans to show changes which increased the size of the building by 32m<sup>2</sup> and raised the ridge height by 0.55 metres with associated changes to the design of the building. The application was reported to Planning Committee where a decision was made to approve the proposed variation of condition in accordance with the Officer recommendation.

The current process consequently results in Planning Committee having to deliberate over whether to approve or refuse applications which are typically of a minor, straightforward and simple nature. This takes up the Committee's time which is principally intended to consider matters of a major and/or contentious nature. If Officers were given delegated powers to determine

such applications the Planning Committee would therefore not need to consider minor variations to schemes which they have already determined.

The current process results in Officer time and therefore costs being spent on dealing with the extra work which is generated by taking applications to Planning Committee. Such work includes the production of an electronic presentation and preparation of a verbal presentation. The Case Officer also attends the Planning Committee to deliver a presentation, answer queries and offer advice. The current process can consequently result in Officers spending one day of extra work on dealing with this. This time and associated costs of this would therefore be saved if Officers had delegated powers to determine such applications.

### **Revocation of Hazardous Substance Consents**

The hazardous substances consent process ensures that hazardous substances can only be kept or used in significant amounts after an assessment of the risk to people and the environment in the surrounding area. It regulates the storage and use of hazardous substances and enables breaches of control, which may present serious risks, to be dealt with quickly and effectively. It particularly ensures that this residual risk to people in the vicinity or to the environment is taken into account before a hazardous substance is allowed to be present in a controlled quantity.

The Health and Safety Executive advises the Council on the nature and severity of the risk to persons in the vicinity arising from the presence of a hazardous substance. The Environment Agency also advises on the risk to the environment, including if an environmental permit is needed.

The Head of Growth and Investment currently has delegated powers to determine applications for hazardous substance consents in consultation with the Head of Environmental Services. However, the Scheme of Delegation remains silent in respect of who has authority to revoke existing hazardous substance consents. The revocation of existing hazardous substance consents consequently needs to be determined by Planning Committee.

The above situation can lead to similar issues arising as described above. It can also create problems and delays when dealing with applications for new hazardous substance consents.

By way of example, Officers were currently dealing with two applications for new hazardous substance consents (refs: R16/0922 and R16/0930). The Health and Safety Executive has raised no objection to these proposed applications subject to the existing consents on the land being revoked. This wouldn't restrict the applicants but would remove the potential overlapping of consents which may otherwise enable them to store more hazardous materials than they are indicating. The new hazardous substance consent applications can therefore be determined by Officers under delegated powers

but the revocation of the existing hazardous substance consents would need to be determined by Planning Committee.

### **Proposed Process for Determining Applications to Vary or Remove Conditions Attached to Major Applications and Revoke Hazardous Substance Consents**

It was proposed that the following wording of the Scheme of Delegation (Part 2B) under section 5.2.3.C) be changed from:

“Full or outline applications (but not applications for the approval of reserved matters) included within the definition of “major developments” as set out in the General Development Control Return, produced by the Department for Communities and Local Government or any such relevant body”.

To:

“Full or outline applications (but not applications for: the approval of reserved matters; variation of conditions; or removal of conditions) included within the definition of “major developments” as set out in the General Development Control Return, produced by the Department for Communities and Local Government or any such relevant body”.

It was proposed that the following wording of the Scheme of Delegation (Part 2B) under section 5.2.2.H) be changed from:

“In consultation with the Head of Environmental Services, applications for hazardous substances consent under the Planning (Hazardous Substances) Act 1990”.

To:

“In consultation with the Head of Environmental Services, applications for hazardous substances consent under the Planning (Hazardous Substances) Act 1990 and the revocation of any existing hazardous substances consent”.

In delegating the decision the Council would no longer be subject to the Planning Committee cycle and decisions would be made in a prompt and timely manner. This would also reduce the burden upon Planning Committee to determine applications which are typically of a minor, straightforward and simple nature. Furthermore, it would save the extra Officer time and therefore costs involved in taking such applications to Planning Committee.

The proposed amendment would not alter the ability of Councillors to request that applications to vary or remove conditions attached to major applications be determined by Planning Committee. It would also not alter the need for such applications to be determined by the Planning Committee if 15 or more households submit objections to the proposal or if the application is recommended for approval against the advice of the Highway Authority. These safeguards would consequently ensure that any significant and/or

contentious proposals to vary or remove conditions attached to major applications could still be determined by Committee.

### **Recommendation of Planning Committee**

The Committee decided that it be recommended to Council that –

(1) the Head of Growth and Investment be given delegated authority to:

(a) determine applications for the variation and removal of planning conditions attached to major applications;

(b) revoke hazardous substance consents;

(2) Part 2B (section 5.2.3.C) of the Council's Constitution be amended, as detailed in section 4.1 of the report; and

(3) Part 2B (section 5.2.2.H) of the Council's Constitution be amended, as detailed in section 4.2 of the report.

**Recommended that** – the recommendation of Planning Committee be approved.

## **2. AMENDED PROCEDURE FOR MEMBERS' REQUESTS FOR SITE VISITS BY PLANNING COMMITTEE**

The Committee considered the following report.

### **Introduction**

There had been a number of occasions recently where requests for Planning Committee to visit a particular site have been received late on in the processing of the application. This had led to delays in the processing and determination of applications as well as frustration to applicants and agents. In order to avoid such delays and improve the certainty of the service the Council delivers it was proposed to establish a time limit by which Members could request such site visits that mirrored the time already allowed to Members under the Council's delegation arrangement to call in applications in for determination by Planning Committee.

### **Background**

The Council's delegation agreement allows Members a minimum of 21 days during the consultation period to request that a planning application be decided by Planning Committee rather than by officers under delegated powers. Whilst this 21 day time frame is adhered to in respect of the delegation agreement, it has been custom and practice for a considerable number of years for Members to be able to request Planning Committee to visit a particular planning application site at any time prior to the application being decided.



Once such a request is received by officers a decision on that particular application is suspended whilst the request is brought before the next available Planning Committee for it to consider whether or not it wishes to undertake such a visit. If the Committee decides to visit the site the decision on the application automatically becomes a Committee matter and goes before them for a decision after the site visit has taken place. If it decides not to visit a site the decision will be either delegated to officers or decided by Committee depending on the circumstances of each individual case. Inevitably this leads to delays in the processing of the application and the issuing of any decision as well as uncertainty and frustration to customers.

## **Proposal**

To overcome these concerns and improve the delivery of decisions it was proposed that Members' requests for an application to be the subject of a Committee site visit must be received within the 21 day consultation period. Such a time limit would mirror the time already allowed to Members to call an application before Committee for a decision. It was considered that such a limit would allow Members sufficient opportunity to identify complex or contentious applications in their ward and request a site visit whilst at the same time offering a degree of certainty to the customer.

Once such a request is received it would either be placed on the standing report for site visit requests or verbally reported to the next available Planning Committee. Once the 21 day consultation period had expired officers would not be in a position to report any late requests, however, the Planning Chair would have the discretion to allow late requests in exceptional cases only.

## **Conclusion**

It was recommended that where any Borough Councillor requested a site visit by Planning Committee on any planning application, such a request must be made in writing or by e-mail to the case officer within the 21 day consultation period for that particular application stating the material planning reasons for such a request, any requests that did not accord with these procedures would only be considered in exceptional circumstances at the Planning Chair's discretion: be approved by Planning Committee and put before Council for approval.

The Committee also considered that any Member requesting that an application be called in for determination should provide sound material planning reasons.

## **Recommendation of Planning Committee**

The Committee decided that -

(1) the time Members have to request a site visit on any planning application be limited to within the 21 day consultation period for that particular application or, in exceptional circumstances, at the Chair's discretion, be approved;

(2) sound material planning reasons be provided by any Member requesting that an application be called in for determination by Planning Committee; and

(3) IT BE RECOMMENDED TO COUNCIL THAT the Council's Constitution be amended accordingly.

**Recommended that** – the recommendation of Planning Committee be approved.

**COUNCILLOR MRS J SIMPSON-VINCE  
CHAIRMAN**

