

Amendments to the scheme of delegation

Development Control Committee

Committee: DEVELOPMENT CONTROL
Date: 21ST SEPTEMBER 2005
Title: AMENDMENTS TO THE SCHEME OF DELEGATION
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Agenda Item

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Item for decision

Summary

The scheme of delegation to Officers was changed significantly a year ago as part of the overall improvement strategy for the Development Control Service. The result has been that Members have had more time to concentrate on the key planning issues facing the district, while speed of decision has improved significantly over the same period. Overall the new procedures have worked well. During the past year some minor anomalies have emerged which mean that some types of application have to be considered by the Committee although they are small-scale and tend not to attract any debate. For the most part these involve applications for small equestrian uses involving changes of use of agricultural land. In addition, to take account of changes in legislation where these are not covered by the existing scheme, authority is sought not to entertain repeat planning applications where the applicant is trying to wear down the opposition by submitting repeated applications.

Recommendations

That the scheme of delegation to officers be amended to include

Equestrian and equine-related developments where the amount of building, whether new or change of use, is less than 1000 sq m, but where the associated area of land may be greater

The authority to decline to determine repeat planning applications in accordance with the provisions of section 43 of the Planning and Compulsory Purchase Act 2004, and amended sections 70A and B of the Town and Country Planning Act 1990, and Sections 81A and 81B of the Listed Buildings Act, 1990.

Background Papers

The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

ODPM Circular 08/2005

Scheme of Delegation to Officers

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Impact

Communication/Consultation	Applicants/agents and some third parties, e.g. Parish Councils, will need to be notified
Community Safety	None
Equalities	None
Finance	None
Human Rights	None
Legal implications	None
Ward-specific impacts	All
Workforce/Workplace	None

Situation

1. This report is being presented to members because planning applications for small scale equestrian uses involving over 1 hectare (ha) of land fall outside the scheme of delegation and have to be reported to Committee. Such applications seldom give rise to discussion and it is considered that they should be included within the Scheme to continue the improvements in service delivery.
2. In addition changes in legislation have recently been introduced. These include new procedures for handling public inquiries over major infrastructure projects, the ability to decline to determine "repeat" planning applications, the reduction of the duration of planning permission from five to three years and a statutory requirement of statutory consultees to respond to consultations within 21 days.
3. While the Scheme of delegation is unaffected by most of these changes, provision needs to be made to decline repeat applications. The powers are intended to inhibit the use of repeated applications that are submitted with the intention of, over time, reducing opposition to undesirable developments. They are not intended to prevent genuine attempts to overcome a reason for refusal. The powers allow the Council to decline to determine any application (including listed building consent and prior approvals) that is substantially the same as one dismissed on appeal for two years after the appeal decision, or where there has been no appeal but at least two refusals in the last two years.
4. The decision to decline to entertain an application needs to be made early on in the validation process, hence delegated authority is required.

Targets

What we are trying to achieve is the Government's Best Value targets for speed and quality of decision and our own local targets.

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Options

There are 3 potential options, agree with the recommendation, amend the proposal or vote against the recommendation and do nothing

Pay-Offs/Penalties

If members agree the recommendation then the agendas for Development Control meetings will become shorter and speed of decisions will be increased. Members may choose to amend the recommendation, but it is not possible to assess the pay-offs or penalties of such an amendment without foreknowledge. Finally Members may disagree the recommendation. In such an event there would be additional matters for decision as decisions to decline to determine applications would need to be made by the Committee, prolonging the meeting and creating delay and uncertainty for applicants and third parties.

Risk Analysis

The potential risks associated with this issue are summarised above