

**Amendment to Scheme of Delegation
Development Control Committee, item 7**

Committee:	Development Control	Agenda Item
Date:	25 April 2007	7
Title:	Amendment to Scheme of Delegation – Withdrawal or Refusal of applications following Committee Resolution	
Author:	Hilary Lock; Head of Development Control; Extn. 486	Item for decision

Summary

- 1 This item seeks Members approval to amend the Scheme of Delegation to Officers approved by the Development Control Committee on 21 September 2005 (as amended on 5 April 2006), in respect of the withdrawal or refusal of applications which the Committee has previously resolved to approve subject to a Section 106 legal agreement.

Recommendations

- 2 That Members amend the written terms of the delegation agreement approved by the Development Control Committee, to allow the Director of Development to refuse or withdraw applications without further reference to the Development Control Committee, in cases where the Development Control Committee have resolved to approve subject to the applicant entering into a Section 106 legal agreement, but where the applicant has declined to enter into that agreement.
- 3 The above would be in accordance with the Director of Development’s existing powers under Article 25(11)(a) of the Town and Country Planning (General Development Procedure) Order 1995 in respect of items already delegated for determination. This legislation allows the local planning authority to treat an application as “finally disposed of” (i.e. withdrawn) if there has been no activity on the case for a period of six months after the application was due to be determined, and without there having been any appeal against non-determination.

Background Papers

- 4 Report to Development Control Committee dated 21 September 2005 which sets out the Scheme of Delegation to Officers.

Impact

Communication/Consultation	None. Officers would continue to liaise with applicants/agents in order to secure a satisfactory outcome.
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Community Safety	None
Equalities	None
Finance	Determination by delegated powers is a more cost-efficient means of determination.
Human Rights	None. See 'Communication'. The applicant would retain the usual rights to appeal a refusal or resubmit a revised application.
Legal implications	None
Ward-specific impacts	All wards
Workforce/Workplace	None

Situation

- 5 Members may recall that at the meeting of the Development Control Committee on 4 April 2007, there was some discussion about the process of dealing with applications which have a resolution to grant planning permission but where the required legal agreement has not been signed after a lengthy period.
- 6 In cases where a necessary legal agreement has not been signed, the only options available to the local authority are to refuse the application or to withdraw it under its "finally disposed of" powers. However, if there has been a Committee resolution to grant planning permission, neither course of action can be taken without the application being reconsidered by the Development Control Committee.
- 7 In the interests of expediency, it is considered that such refusals or withdrawals could instead be delegated to the Director of Development to determine. The Committee would therefore resolve to grant permission in the knowledge that, after a period of six months following the due determination date, the matter could be refused or withdrawn if the legal agreement has not been signed.
- 8 The Development Control Committee would continue to receive progress reports on current legal agreements, and would have the opportunity to identify any which it would not wish to be refused or disposed of without the cases returning for consideration by that Committee.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
None	None	None	None