

Committee: Planning Committee

Agenda Item

Date: 14 December 2011

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Title: Planning Committee Delegation

Author: Andrew Taylor, Assistant Director Planning and Building Control ex 601 Item for decision

Summary

1. All decisions under the Planning Acts are the responsibility of the Planning Committee. It is not possible for the Planning Committee to deal with all submitted applications so following good practice and government advice a significant proportion (currently over 90%) are delegated to the Assistant Director Planning and Building Control.
2. The delegation authority is set out in the Council's Constitution at pages 82 – 86. The delegation is set out in a 'Applications need to be reported to the Planning Committee unless...'.
3. The proposal is to alter the delegation agreement to simplify the approach and to adopt a 'Applications are delegated unless...'. This would provide for a much clearer set of rules for officers to follow and would be more accessible for members of the public.

Recommendation

4. That the revised delegation to the Assistant Director Planning and Building Control be adopted by the Planning Committee.

Financial Implications

5. None. There are no costs associated with the recommendations.

Background Papers

6. 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.
 - Uttlesford District Council Constitution 2011/12.

Impact

- 7.

Communication/Consultation	The adoption of the revised delegation agreement will be incorporated within the Constitution and communicated to the Parish and Town Councils and wider via
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	the website.
Community Safety	No issues.
Equalities	No issues.
Health and Safety	No issues.
Human Rights/Legal Implications	No issues.
Sustainability	No issues.
Ward-specific impacts	Covers whole District.
Workforce/Workplace	Will impact on Enforcement, Planning and Legal staff.

Situation

8. Planning is a high profile part of the Councils activity. Planning is very emotive and very personal. It is therefore important for the Council to have a clear and robust approach for determining all planning and related applications.
9. The current scheme of delegation is set out in the Council's Constitution at pages 82 – 86. The delegation is set out in an 'Applications need to be reported to the Planning Committee unless...' approach.
10. The proposal is to alter the delegation agreement to simplify the approach and to adopt an 'Applications are delegated unless...' approach. This would provide for a much clearer set of rules for officers to follow and would be more accessible for members of the public.
11. Specifically it is proposed to remove the requirement for all enforcement activity to be authorised by the Chairman or vice-Chairman of the Committee. Authorisation already needs a report from the Enforcement Officer which is countersigned by the Assistant Chief Executive Legal and the Assistant Director Planning and Building Control. This provides the necessary checks needed to ensure that all relevant issues have been considered. The requirement for authorisation by the Chairman or vice-Chairman can add additional time to the process of instigating enforcement action.
12. The proposed changes maintain the power for any District Councillor to call in any planning application within the agreed time period. All Councillors are sent the Weekly List of planning applications and can call in applications when they set out their planning reasons for doing so in writing.
13. The proposed delegation criteria also make clear that it is possible for the Assistant Director Planning and Building Control to decline to exercise the delegated authority and refer any application to the Planning Committee.

14. The proposed revised delegation is as follows:

Carry out any functions laid out in the Schedule below, except for the determination of:

- Any application to implement a permission otherwise than in accordance with conditions imposed by Committee, within 10 years of the grant of permission;
- Any application a member has called in for a planning reason within the agreed time period;
- Any application the granting of which would represent a departure from the Development Plan where the departure application is to be notified to the Secretary of State under the terms of the Town and County Planning (Development Plans and Consultation) (Departures) Directions 1999);
- Approval of Major Applications (as defined by the GDPO) in Great Dunmow, Saffron Walden and Stansted and approval of applications of more than 5 dwellings elsewhere;
- Any proposal involving the District Council either as applicant or landowner, either on its own, or jointly with another individual or body;
- Applications which would otherwise be delegated but which the Assistant Director Planning and Building Control considers should come before the Committee.

Carry out all functions related to the enforcement of planning legislation contained in the Schedule except that the issue of all formal notices must be jointly authorised by the Assistant Chief Executive - Legal.

Carry out all functions related to appeals against planning and enforcement decisions made by Uttlesford District Council.

All powers conferred under this section shall be subject to all duties and obligations contained in the Human Rights Act 1998 and all primary and secondary legislation concerning equal opportunities.

Recommendation

15. That the revised delegation to the Assistant Director Planning and Building Control be adopted by the Planning Committee.

Risk Analysis

16.

Risk	Likelihood	Impact	Mitigating actions
None			

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.