

Committee: Planning Committee

Agenda Item

Date: 12 December 2012

5

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 current delegation arrangements were approved in December 2011.
3. The proposal is to update the delegation agreement to reflect recent legislation and to provide clarity on one point.

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. None

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 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. There have been changes to Procedure Orders which need to be reflected, a Regulation needs to be specifically listed and clarity provided to the 4th bullet point below.
10. The proposed revised delegation is as follows with additions shown in bold and deletions struck through:

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 **all** Major Applications (as defined by the ~~GDPO~~ **DMPO**) 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

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

Risk Analysis

12.

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.