

Planning Committee

15 November 2018

Joint Report of the Assistant Director Planning & Public Protection and
Assistant Director Legal and Governance

Amendments to the Terms of Reference of the Planning Committee and Delegation to Officers

Summary

1. The Terms of Reference of the Planning Committee and Planning Area Sub Committee within the Constitution reserve certain matters to the Committees. Unless so reserved, planning matters are delegated to the Corporate Director of Economy and Place or Assistant Director Planning & Public Protection
2. It is recommended that alterations to the wording of the Terms of Reference are made to provide more clarity in the interpretation of the delegation, and to update it specifically in relation to S96A non-material amendments and S73 extension of time applications. In addition, an amendment is proposed so that the Main Planning Committee only reserves applications in the Green Belt where they are recommended for approval. This would assist in more timely decision making in respect of certain consents and applications, and therefore it is requested that Planning Committee consider recommending these changes to Full Council.
3. This Report therefore proposes that changes to the Planning Committee and Planning Area Sub Committee's terms of reference and consequent delegation to Officers are referred to Full Council for approval to:
 - (i) enable Officers to determine requests for non-material amendments to planning applications under Section 96A of the Town and Country Planning Act 1990 (as amended);

- (ii) enable Officers to refuse planning permission for any non-residential or domestic application for which there is a policy presumption against development in the Green Belt; and
- (iii) enable the Corporate Director of Economy and Place or Assistant Director Planning & Public Protection to approve variations of a minor nature to planning agreements relating to planning applications reserved to the Planning Committee or Area Sub Committee.

Recommendations

4. The Planning Committee is asked to:

- 1) Refer the amendments to the Council's Constitution shown at Annex 2 be referred to Full Council for approval to :
 - (i) enable Officers to determine requests for non-material amendments to planning applications under Section 96A of the Town and Country Planning Act 1990 (as amended);
 - (ii) enable Officers to refuse planning permission for any non-residential or domestic application for which there is a policy presumption against development in the Green Belt; and
 - (iii) enable the Corporate Director of Economy and Place or Assistant Director Planning & Public Protection to approve variations of a minor nature to planning agreements relating to planning applications reserved to the Planning Committee or Area Sub Committee.

Reason: To provide more clarity in the interpretation of the delegation, and to update it specifically in relation to S96A non-material amendments and S73 extension of time applications. In addition, an amendment is proposed so that the Main Planning Committee only reserves applications in the Green Belt where they are recommended for approval. This would assist in more timely decision making in respect of certain consents and applications, and therefore it is requested that Planning Committee consider recommending these changes to Full Council.

Background

5. All delegated decisions must be in compliance with the Council's Constitution.
6. The Council's Constitution at Section 3D Paragraph 10.3 states that:

“ An Officer may not exercise a power in respect of a planning matter where the power to take the particular decision is specifically delegated under this Constitution to the Planning Committee or Planning Sub Committee”.
7. In order to give effect to the delegation to Officers it is therefore necessary to amend the Terms of Reference of the Planning and Planning Area Sub Committee within the Constitution.
8. The planning matters that are specifically delegated to the Planning Committee are set out at Annex 1, and the proposed amendments shown in tracked changes at Annex 2.

Consultation

9. There has been no external consultation.

Analysis

10. As well as providing clarity of interpretation, the proposed changes are intended to maximise use of Planning Committee time to focus on major applications. It is anticipated that the changes will also lead to determination of inappropriate applications within the green belt in a more timely fashion through delegation.
11. The changes do not prevent a Member from requesting an application to be brought to the relevant Committee, in accordance with the process set out in the present Constitution, but will provide Officers with the ability to determine using delegated powers should there be no request for an application within the green belt to proceed to Committee.
12. Members are asked to consider whether to recommend the proposed changes to Full Council.

Council Plan

13. A focus on frontline services - This recommendation should increase efficiency in determining planning applications.

Implications

14. The following implications have been assessed:
 - **Financial** – N/A
 - **Human Resources** – N/A
 - **One Planet Council / Equalities** – N/A
 - **Legal** – N/A
 - **Crime and Disorder** – N/A
 - **Information Technology (IT)** – N/A
 - **Property** – N/A
 - **Other** – None

Risk Management

15. There are no known risks associated with this recommendation.

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Wards Affected:

All

For further information please contact the author of the report

Annexes

Annex 1 - Extract from **Current** Section 3D Responsibility for Functions – Constitution (Planning matters that are specifically delegated to the Planning Committee)

Annex 2 - **Proposed** amendments to Section 3D Responsibility for Functions – Constitution (Planning matters that are specifically delegated to the Planning Committee)