

## **BRECKLAND COUNCIL**

### **DEVELOPMENT CONTROL COMMITTEE – 13<sup>TH</sup> AUGUST 2007**

#### **REPORT OF THE DEVELOPMENT SERVICES MANAGER (Author: Phil Daines – Development Services Manager)**

#### **DELEGATION TO OFFICERS**

<p><b>Summary</b> The officers' delegation agreement was introduced for a 12 month period in September 2006. This report considers the issues and recommends its retention.</p>
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#### **1.0 Introduction**

- 1.1** In September 2006 Full Council agreed a revised officer delegation agreement recommendation from Development Control Committee for a one year period.
- 1.2** The revised delegation agreement currently in place is attached at **APPENDIX 2** and the previous delegation agreement is attached at **APPENDIX 1**.

#### **2.0 Key Decision**

- 2.1** This is a key decision.

#### **3.0 Council Priorities**

- 3.1** The matters raised in this report fall within the following Council priorities:-
- a safe and healthy environment
  - a well planned place to live

#### **4.0 The Issues**

- 4.1** As Members are aware there is considerable pressure to determine applications as quickly as possible subject to them being determined administratively correctly, all views being properly taken into account, the decision being in line with Council policy and approvals result in a high quality of development. The aim of the authority is to improve the speed of our performance in terms of our BVPI's and the quality of our decisions.
- 4.2** The previous delegation agreement meant that all approvals, however sensitive or significant could be determined at officer level (subject to Ward Member call in) while refusals, even if contrary to Council policy and of a minor nature, had to be considered by Committee.
- 4.3** It was considered that this was not the most appropriate way of determining significant applications and best use of Committee time, where proposals need to be debated in public. It was noted at that time there were a number of proposals being considered by Committee which engendered very little debate as the issues were so clearly defined. In those situations, it was suggested that Committee time would be more appropriately spent on more significant or sensitive proposals.
- 4.4** With this in mind it was proposed that rather than all applications to be approved being delegated, major and sensitive applications could be considered by Committee. To balance the workload, refusals which were clearly contrary to policy could be delegated. It should be noted that applicants who get a refusal can re-submit or appeal to the Secretary of State.

- 4.5** Any delegation agreement changes will need to retain the option for Ward Members and Ward Members who adjoin the application site if the proposal will affect their Ward, to call in an application subject to the Chairman's agreement.
- 4.6** As can be seen from Appendix 2, Members agreed that a delegation agreement which required major or sensitive applications to be determined by Committee while the more straightforward refusals were delegated was the most appropriate way forward. Members decided, however, to review the matter after 12 months.
- 4.7** This report is to request the retention of the new delegation agreement. The matter has been kept under review and no significant adverse effects have been reported to officers, while Committee is now determining those applications which are of particular significance.

## **5.0 Options**

- 5.1**
- i) To agree the retention of the delegation agreement in September 2006 (see **APPENDIX 2**).
  - ii) To revert to the previous delegation agreement (see **APPENDIX 1**).
  - iii) To agree an alternative delegation agreement.

## **6.0 Recommendation**

- 6.1** The current officer delegation agreement from the Development Control Committee be continued in accordance with option i) (see **APPENDIX 2**).

**DEVELOPMENT CONTROL COMMITTEE: OFFICER DELEGATIONS**A. APPROVALS1. Overview

All approvals within policy to be delegated to the Head of Development Control subject to the right for the local member and Chairman of the Committee by joint agreement (not for any other members) to have the application referred instead to Committee for decision if written notice is received by the Head of Development Control within 23 days from issue of notice of receipt of the application to all members, which will be made through the existing system of weekly lists; the reference only to have effect if it contains proper planning reasons for consideration by Committee.

2. Wording of Delegation

“Power for the Head of Development Control to issue approvals for Planning Applications (as defined below) where he/she considers that on balance, and after taking into account all material considerations including Human Rights Act issues, such an approval would be in compliance overall with the policies contained in the Local Plan, the Structure Plan and government guidance.

The above power is subject to the following.

2.1 A weekly list being sent to all members containing details of Planning Applications received.

2.2 The right for a Ward Member and the Chairman of Development Control Committee jointly (i.e. if both are in agreement) to require a Planning Application to be referred to and decided by the Development Control Committee if the following conditions are met:

- i) A written notice must be received from the Ward Member by the Head of Development control within 23 days of the publication of that application on the weekly list requesting the referral of the application to the Committee.
- ii) The notice must contain, within the opinion of the Head of Development Control, one or more valid and proper planning reasons against approval for consideration by the Committee.
- iii) The Chairman of Development Control Committee must agree that the proposed referral to the Committee is appropriate.

2.3. “Planning Applications” for the purposes of these delegations include applications, notifications or consultations in connection with the following:

- applications for or in connection with planning permissions (including those for amendments),
- advertisement consents,
- listed buildings,
- conservation area consents,
- demolitions,
- overhead power lines,
- certificates of lawfulness of existing use or development,
- telecommunications,
- applications or notifications from public authorities,

- agricultural notifications,
- minor amendments,
- variation or removal of conditions.”

B. REFUSALS

All applications where the officers recommend refusal are to be put to and decided by Development Control Committee.

C. OTHER PLANNING DELEGATIONS

To remain as existing.

## DEVELOPMENT CONTROL COMMITTEE: OFFICER DELEGATIONS

The Operations Manager be authorised to issue all decisions for Planning Applications (as defined below) except those applications which are of a major or significant nature (as defined below) subject to the right of the local Member, or an adjoining Ward Member and Chairman of Development Control Committee by joint agreement (not for any other Members) to have the application referred instead to Committee. The Member call in shall be in writing to the Development Services Manager within 23 days from issue of notice of receipt of the application to all Members, which will be through the existing weekly lists; the reference only to have effect if it contains proper planning reasons for consideration by Committee.

Planning applications for the purposes of these delegations include applications, notifications or consultations in connection with the following:

- applications for or in connection with planning permissions (including those for amendments)
- advertisement consents
- listed building and conservation area consents
- demolitions
- overhead power lines
- telecommunications
- applications or notifications from public authorities
- agricultural notifications
- minor amendments
- variation or removal of conditions

Major applications will be defined as those proposals for

- 10 or more dwellings
- residential development on sites of 0.5 hectares or more
- the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more
- development carried out on a site having an area of one hectare or more.

Significant applications will include those which officers may wish to approve which are contrary to policy, those which in the opinion of the Development Services Manager and Development Control Committee Chairman are of particular sensitivity locally and applications submitted by the District Council.

All other planning delegations to remain as existing within the new constitution.