
| | | |
|--------------------------------|---|---|
| REPORT TO: | Development Control | AGENDA ITEM: 6 |
| DATE OF MEETING: | 4th March 2003 | CATEGORY: DELEGATED |
| REPORT FROM: | Deputy Chief Executive | OPEN PARAGRAPH NO: N/A |
| MEMBERS' CONTACT POINT: | John Birkett (Ext 5742) | DOC: |
| SUBJECT: | Delegation Agreement for Development Control | REF: |
| WARD(S) AFFECTED: | All | TERMS OF REFERENCE:DC01 |

1.0 Recommendations

1.1 That the Delegation Agreement be amended as set out in paragraphs 3.2 and 3.3 below.

2.0 Purpose of Report

2.1 To seek corrections in the Delegation Agreement to remove ambiguities that have become apparent since the agreement was last revised. A copy of the agreement as it now applies is appended at Annexe A.

3.0 Detail

3.1 The Delegation Agreement is reviewed biannually, the last time being almost exactly one year ago, when it was modified to accommodate the Government's target of 90% of cases dealt with under delegated powers. It has become apparent that an ambiguity exists in the wording of the authority given to officers to decide cases. The definition and distinction between what are or are not 'minor' applications is not clear and whether the definition of 'significant controversy' should apply or not in minor cases is also difficult to make. As a result officers (and anyone else for that matter) are unclear whether to deal with cases or refer them to Committee.

3.2 The anomalies can be resolved by substituting the word "major" for:

- "other" in para. 10(iii) under the heading "Planning Matters" and also for
- "non-minor" in para. 3 under "Matters not delegated". The definitions of "major" and "minor" would need to be clarified under that heading. Major applications are defined in the General Procedure Order 1995 as those involving development of:
 - more than 10 dwellings or on sites of more than 0.5 hectares
 - buildings of more than 1,000 Sq. m. or on sites of more than 1 hectare.

3.3 To make more sense the words "Planning Policy" should also be included after the word "established" in Para. 3. The words "planning applications" in the sentence under the heading "The Framework" also needs to be clarified to achieve

consistency. In the context of the intended interpretation of the last revision, this should refer to "major planning applications".

- 3.4 The effect of these clarifications is that the Committee would continue to deal with those applications that fall outside of established Planning Policy or Supplementary Guidance as well as all major applications where there is significant controversy. This, effectively is how officers have proceeded in the last year.
- 3.5 One of the hallmarks of the agreement has been the care taken to avoid issues being decided by officers where there is any prospect of trouble arising as a consequence. Often this results in taking more care to refer things to the Committee than strictly would be required but less work than the investigation that might subsequently arise would generate. As in all well run systems discretion is key to success.
- 3.6 The Delegation Agreement has operated as intended in allowing the required 90% of cases to be dealt with by officers, which it did not achieve before the last review. No incident of failure to deal with things properly has occurred, causing complaint to be expressed by Members, Parish Councils or the public at large.

4.0 Conclusions

- 4.1 Removing any ambiguity would make the Delegation Agreement operate more efficiently and effectively and avoid complaints arising from such ambiguities.

5.0 Background Papers

- 5.1 None.