

Report of	Meeting	Date
Monitoring Officer	Council	3 April 2012

DELEGATION OF AUTHORITY TO MAKE MINOR AMENDMENTS TO PLANNING DECISIONS FOLLOWING THE ISSUE OF THE NATIONAL PLANNING POLICY FRAMEWORK

PURPOSE OF REPORT

1. To propose that authority be delegated to the Director of Partnerships, Planning and Policy to be exercised in consultation with the Chair of Development Control Committee to make minor amendments to allow for the issue of Planning affected by the National Planning Policy Framework document.

RECOMMENDATION(S)

2. To delegate authority to the Director of Partnerships, Planning and Policy, to be exercised in consultation with the Chair of the Development Control Committee the power to make minor amendments to conditions attached to decisions taken by the Development Control Committee that are not in accordance with the National Planning Policy Framework.
3. That the delegated authority be limited to minor amendments only, the assessment of the seriousness of the amendment to be assessed by the said Director and Chair.
4. That the said Director report to Development Control Committee for noting any minor amendments undertaken and the reasons for the amendment.
5. That any amendments to the decision of Development Control Committee which are not deemed by the said Director and Chair to be minor should be brought back to Development Control Committee for reconsideration.

EXECUTIVE SUMMARY OF REPORT

6. On the 27 March 2012 the National Planning Policy Framework (NPPF) document was issued. The NPPF requires that it be treated as a material consideration in any planning decision.
7. Whilst the Development Control Committee makes decisions on planning applications brought before it, the decision is only made formally when the decision notice is issued. In most cases, decision notices are issued promptly, but certain decisions, especially those subject to a section 106 agreement, can be issued much later than the committee's resolution. Members should note that officers routinely review the current policy and legislative framework in such circumstances and refer back to the DC Committee on significant matters.
8. Such decisions would have referred to those national planning policy guidance or statements (PPG/PPS) now superseded by the NPPF, and to issue such a decision would be potentially be subject to challenge. The decisions taken by DC Committee which have not yet had decision notices issued need to be considered to ensure that the conditions and reasons attached to them do not place them in breach of the NPPF. It would be prudent and appropriate to give delegated authority to officers to allow minor changes to be made. The delegation will not serve to change a decision of DC Committee from approval to refusal. Where the policy foundation of the decision has significantly changed in the light of the

provisions of the NPPF, or where more than a minor amendment is required, the matter will be referred back to the DC Committee for further consideration.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

9. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			X

BACKGROUND

10. The National Planning Policy Framework (NPPF) document was published on 27 March 2012. The policies contained in the NPPF are material considerations in planning decisions.
11. Planning applications are considered by the Council's Development Control Committee. The DC Committee will make a decision on approval or refusal and if approved what are the appropriate conditions to be attached. It is settled law that whilst the DC Committee makes the decision it is not formalised until a decision notice is issued, the courts taking a view that the decision is made on issue of the notice. In most cases, decision notices are issued promptly.
12. There are some DC Committee decisions which have yet to be formalised by the issuing of a decision notice. These are applications which require a section 106 agreement to be entered into prior to the decision being issued and the S106 remains outstanding. Members should note that prior to the issuing of a decision notice officers routinely review the current policy and legislative framework and refer back to the DC Committee for further consideration on significant matters.
13. Decisions previously made would have referred to those national planning policy guidance or statements (PPG/PPS) now superseded by the NPPF, and to issue such a decision that does not refer the NPPF would potentially be subject to challenge. The decisions taken by DC Committee which have not yet had decision notices issued need to be considered to ensure that the conditions and reasons attached to them do not place them in breach of the NPPF. It would be prudent and appropriate to consider the use of delegated authority to allow minor changes to be made prior to the issue of a decision.
14. The delegation will not serve to change a decision of DC Committee from approval to refusal. Where the policy foundation of the decision has significantly changed in the light of the provisions of the NPPF, or where more than a minor amendment is required, the matter will be referred back to the DC Committee for further consideration.
15. In order to allow the efficient running of Council business it is proposed to delegate to the Director of Partnerships, Planning and Policy authority, to be exercised in consultation with the Chair of Development Control Committee, to make minor amendments to the reasons for the decision or conditions which have been attached by DC Committee to planning permissions.

16. This delegated authority will only be exercised where the condition is in conflict with the NPPF to a limited degree.
17. The delegation will not allow the said Director to reverse a decision to approve an application.
18. The discretion as to whether the delegation should be exercised lies with the said Director but if the Chair of DC Committee feels the exercise is inappropriate, the delegation should not be exercised.
19. All decisions which have conditions attached which are based on policies that have more than a limited degree of conflict with the NPPF will be referred back to the Development Control Committee for consideration.
20. It is not clear exactly how many decisions will be effected by the publication of the NPPF, but it is envisaged this will be a small number and it is expected even fewer will need no amendment at all.
21. Where the said Director exercised the delegated authority they will report to the DC Committee advising of the amendment and the reasons for any change.

IMPLICATIONS OF REPORT

22. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

23. There are no financial implications of this report other than the additional staff time involved which is unavoidable.

COMMENTS OF THE MONITORING OFFICER

24. There is a general delegation to the Director of Partnerships, Planning and Policy to make minor alterations to planning decisions. However, it is clearly appropriate, when a new planning policy document is issued to grant a delegation in this form. The exercise of the delegated authority will be transparent as the Chair of DC will be a party to the decision making at the time and all exercise will be reported to the Committee.

CHRIS MOISTER
MONITORING OFFICER

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Chris Moister	5160	2 April 2012	***