

REPORT OF EXECUTIVE CABINET

AMENDMENT TO SCHEME OF DELEGATIONS - PLANNING SERVICES

1. We were presented with a joint report of the Head of Planning Services and the Director of Legal Services recommending amendments to the Council's Scheme of Delegations to allow the Head of Planning Services to deal with complaints relating to high hedges, make minor amendments to Section 106 Legal Agreements and refuse planning permission in relation to major applications in specified circumstances. An addendum to the report circulated at the Cabinet meeting also sought an extension of the delegated powers granted to the Development Control Committee to enable the Committee to deal with high hedges.
2. There is currently no mechanism to allow minor alterations to Section 106 Legal Agreements following the Development Control Committee's approval of the fundamental Heads of Terms. The report argued that it would expedite negotiations in many instances if the Head of Planning Services, following consultation with the Chair and Vice-Chairman of the Development Control Committee, was to be allowed to agree minor changes to Section 106 Agreements (eg adjustments to timings; phasing of agreed payment sums; wording changes on legal advice).
3. The report also suggested the extension of the Head of Planning Services' delegated authority to refuse major applications for planning permission on the rare occasions where the Council is unlikely to be able to determine the application within the statutory period in order not to adversely affect the Council's Planning Delivery Grant target.
4. The Anti-Social Behaviour Act, 2003 includes a provision for local authorities to be able to deal with complaints regarding high hedges by empowering Councils to issue remedial notices on hedge owners in instances where they consider the complaint to be justified. The Council may also undertake work in default and/or prosecute in the event of the owner's failure to comply with a remedial notice. As the responsibility for all functions in relation to high hedges rests with the Council it is necessary to amend the Council's constitution to reflect this function. In addition, the Executive Cabinet endorsed recommendations to assign the Council's powers on high hedges to the Development Control Committee and to grant delegated power to the Head of Planning Services to exercise the Council's powers (with the exception of setting fee levels) in relation to complaints in respect of high hedges.

Recommendations

5. The Council is recommended to approve the following amendments to the Council's Constitution:
 - (a) The insertion of the words "47A - Powers relating to complaints about high hedges under Part 8 of the Anti Social Behaviour Act 2003" in Appendix 2 Part 1 Miscellaneous Functions.
 - (b) The insertion of the words "(d) powers relating to complaints about high hedges" in paragraph 2 of Appendix 2, Part B below the Development Control Committee heading.
 - (c) The insertion of an addendum to Paragraph 9.5 of Appendix 2, Part C under the heading of Head of Planning Services to read: "Where a planning application as defined in (c)(i) above is unable to be determined within the statutory period because all material is not available then, exceptionally, the Head of Planning Services following consultation with the Chair and Vice-Chair may refuse planning permission".

- (d) The amendment of the wording in paragraph 9.12 of Appendix 2, Part C to read: “Authority to exercise all powers (except for setting fee levels) under Part 8 of the Anti Social Behaviour Act 2003 in relation to complaints relating to high hedges”.
- (e) The insertion of a new paragraph 9.13 in Appendix 2, Part C to read as follows: “That where a Section 106 Agreement has been adopted by the Development Control Committee, the Head of Planning Services be given delegated powers following consultation with the Chair and Vice Chair to make minor amendments to the Section 106 Agreement”.

COUNCILLOR A LOWE
Executive Member for Development and Planning

BACKGROUND PAPERS			
DOCUMENT	DATE	FILE	PLACE OF INSPECTION
Reports of Head of Housing Services and Director of Legal Services to Executive Cabinet	20/06/05	-	Town Hall, Chorley

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