

REPORT FOR: Planning Committee.

Date of Meeting: 18 January 2012

Subject: **INFORMATION REPORT –
Urgent Non-Executive Decision:
Additional Clause to Scheme of
Delegation regarding Refusal of
Planning Permission**

Responsible Officer: Hugh Peart – Director of Legal and
Governance Services

Exempt: No

Enclosures: None

Section 1 – Summary

The Urgent Non-Executive Decision procedure, set out in Part 3 of the Council's Constitution, requires all decisions taken under the procedure to be reported to the appropriate Committee. The Committee is requested to note the action taken under the Urgent Non-Executive Decision procedure, as outlined in Section 2 below.

FOR INFORMATION

Section 2 – Report

CIRCUMSTANCES

At its meeting on 16th November 2011, the Planning Committee considered a consolidated scheme of delegation covering planning, building control and enforcement powers. Part 1 of the scheme of delegation (development management) replaced an earlier scheme of delegation dated 2nd May 2007.

In the drafting of the revised scheme, officers omitted the provisions of Clause 9 of the Scheme of Delegation which related to the ability of the Divisional Director, to refuse planning applications of any category, provided, in the opinion of the Divisional Director; such a decision did not, inter alia, contradict the principles underpinning the scheme of delegation.

This change to the scheme arising from the revised drafting was not intended to form part of the revised scheme of delegation. Indeed it serves to undermine the process for the prompt, efficient and robust rejection of obviously inappropriate development which would otherwise require significant additional input from officers in order to progress through the planning committee, together with additional time delays that such a process can cause. Since the introduction of the revised scheme of delegation, several such cases have arisen.

In the interest of maintaining this established practice, which was based upon the objective of efficient and proportionate use of the Councils and Committee's planning powers, it is proposed to re-instate the previous clause 9 (now more fully defined in Clause 1.1 of Part 1 in the proposed revised scheme).

This report does not create any new or additional provisions that fall outside of the recently considered enhancements to the scheme of delegation, other than the change identified. Given that the operation of the provisions in Clause 9 had been in effect (up until November 2011) for a period of over 4 years, the proposed change is not considered to have any material impact upon the user or member experience of the planning service. The immediate re-instatement of the provision would nevertheless allow for the determination of applications which would otherwise require a committee decision in January, within the timescales provided by statute.

Proposal Details

To insert into the scheme of delegation considered and approved by the Planning Committee at their meeting on 16th November 2011, an additional clause (Clause 1.1 of Part 1) to provide for:

1.1 Refusal of Planning Permission

When considering a planning application falling outside categories 1(a) to (h) above, the Divisional Director of Planning Services may exercise

the Council's power to refuse planning permission for such an application unless:

(i) the application is expressly excluded under provisos A to G of this scheme of delegation; or

(ii) in the reasonable opinion of the Divisional Director of Planning Services, the application should be referred to the Planning Committee

This provision, contained in the earlier operational scheme of delegation dated 2nd May 2007 under Clause 9 was unintentionally omitted in the re-drafting of the scheme of delegation approved by the Planning Committee at their meeting on 16th November 2011.

Section 3 – Further Information

Action Sought

To approve the insertion of an additional clause (Clause 1.1 of Part 1) into the scheme of delegation considered and approved by the Planning Committee at its meeting on 16th November 2011.

Date of Request for Action:

15 December 2011

Reason for urgency:

There are a number of outstanding planning applications pending a decision that are caught by the drafting omission in the scheme of delegation.

Decision: Officer recommendation agreed.

Section 4 – Financial Implications

None

Section 5 – Corporate Priorities

The proposal would be in line with the corporate objectives of United and Involved Communities: a Council that listens and leads.

Name: Kanta Hirani

on behalf of the
Chief Financial Officer

Date: 3 January 2012

Section 6 - Contact Details and Background Papers

Contact: Miriam Wearing, Senior Democratic Services Officer, 020 8424 1542

Background Papers: Individual Urgent Non-Executive Decision Form, as reported.