



NORTHAMPTON
BOROUGH COUNCIL

Full Council		Date	22 May 2006
Report Title	Delegated Powers regarding Planning matters		
Item No			

Name	Signature	Date	Ext.
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Report of: Customer and Service Delivery Miss Jennifer Chance 838909	Delegated Powers regarding Planning matters
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Key Decision	YES
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1. Purpose and Brief Summary of the report

A number of powers relating to the planning service are already delegated to officers. It is proposed to amend the delegated scheme to include responding to consultations on behalf of NBC on applications to be determined by West Northamptonshire Development Corporation that would have fallen within the NBC scheme of delegation, and also to include the refusal of Prior Notification applications for telecommunications.
It is also proposed to rationalise the existing scheme for ease of use.

2. Options Available

	Option	Summary
<i>a</i>		
<i>b</i>		

3. Recommendations

To **APPROVE** the attached scheme of delegation.

4. Relevant Background

Best Value performance indicator 188 sets a target of 85% of applications to be dealt with under delegated powers. Last year 84% of applications were dealt with under delegated powers.

In April, the power to determine certain planning applications was transferred from NBC to the West Northamptonshire Development Corporation (WNDC). The Borough Council signed an interim Service Level Agreement with the WNDC to help the delivery of the Corporation's development control service. The Borough Council will be measured by the WNDC on the effectiveness of the service by a number of performance measures.

5. Evaluation of Alternative Options

	Option	Evaluation Summary
<i>a</i>	Leave Scheme of Delegation as existing.	Not effective Use of Resource. Impact on delivery of BPVIs
<i>b</i>	Extend Delegated Powers further.	Loss of Councillor input.

6. Consultees (Internal and External)

Internal	Legal Services; Planning Policy and Conservation
External	None

7. Compliance Issues

Links to Relevant Council Priorities
Recovery Plan
Delivering Growth Effectively
Corporate Plan
The Corporate plan identifies a need to work collaboratively with the WNDC to improve economic, social and environmental well being, and to deliver high quality development within Government set timescales.
Other Strategies

Financial Implications
The effective delivery of the planning function has financial implications in terms of securing the Planning Delivery Grant. There are also financial implications in meeting the requirements of the Service Level Agreement with the WNDC.

Legal Implications
None

Crime & Disorder Issues
None

Children Act Issues
None

Risk Management Issues
Risk of not meeting BPVI timescales mitigated

Equalities Compliance Issues
None

8. Background Papers

Title	Description	Source
Existing and Proposed Scheme of Delegation	Attached	

Report

A number of powers relating to the development control service are already delegated to officers. Best Value Performance Indicator 188 sets a target of 85% applications to be dealt with under delegated powers. Last year 84% of applications were dealt with under delegated powers.

It is also proposed to rationalise the existing scheme for ease of use. The existing scheme is attached for Members' information. A number of minor changes are proposed, however the two main changes are to introduce delegated powers for:

- 1) responding on behalf of NBC to consultations on some applications to be determined by WNDC;
- 2) the refusal of all prior notification applications for telecommunications apparatus.

In April the WNDC became the Local Planning Authority for a number of applications that fall within the Borough.

Pursuant to this, the Borough Council signed an interim Service Level Agreement with the WNDC to deliver the planning services. The Borough Council will be measured by the WNDC on the effectiveness of the service by a number of performance measures.

In addition to providing a development control service to WNDC the Council is a consultee on applications to be determined by them. However, there are no delegated powers to deal with these consultations and therefore all applications are being reported to the Planning Committee for comment. It is proposed to amend the delegated scheme to include consultations on applications that would have fallen within the scheme of delegation had they remained applications to be determined by NBC. This will help to improve efficiency, and help to meet the performance measures set out in the Service Level Agreement.

Prior Notification applications for telecommunication apparatus must be determined in 56 days or they are deemed approved. Currently the scheme of delegation allows for officers to determine all prior notification applications provided there are no objections, in which case the application is reported to Planning Committee. However, this means that in cases when an objection is received, even if the application was to be refused by officers, the application would have to be reported to Planning Committee. It is proposed to amend the scheme of delegation to include the refusal of Prior Notifications for telecommunications and for demolitions.

Scheme of Delegation

That the following matters be delegated to Corporate Manager of Planning, Environmental Health and Leisure and Corporate Manager of Regeneration, Policy and Conservation, subject to the exceptions listed below.

<p>Applications All applications related to Planning; Listed Building; Conservation Area Consent; Prior Notifications (demolitions, telephone masts); Tree Preservation Orders; Advertisements; Certificates Of lawfulness; Conditions of permissions; Historic Building Grants; Hedgerow Removal Notices; Satellite Dishes and other Telecommunications Apparatus; and Minor Amendments.</p> <p>To decline to determine a planning application under Section 70 A of the Town and Country Planning Act 1990</p>
<p>Notices Issuing of Notices:- Planning Contravention Notice (under Section 171 C of the Act), Temporary Stop Notices; Breach of Condition Notices; Hedgerow Retention.</p>
<p>Screening and Scoping Screening and scoping of applications under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.</p>
<p>Consultations Consultations from WNDC, subject to the exceptions listed below.</p> <p>Consultations from neighbouring authorities and the County Council that would not prejudice the policies and provisions of the Development Plan or have other strategic consequences</p>

Exceptions

<p>Applications that a Ward Councillor has made a written request to the case officer to be determined by Planning Committee</p>	
<p>Applications that officers consider ought to be determined by the Planning Committee.</p>	<p>Such as due to: -prejudicial interest. -contentious nature.</p>
<p>Residential</p>	<p>Full applications for the erection of 3 or more dwelling units (not reserved matters approval or substitution of house type)</p>
	<p>Conversions to 3 or more residential units</p>

Residential (Continued)	Hotels, boarding houses, guest houses
	Care Homes
	Hostels
Industrial Use Classes B1, B2, B8	Applications outside of areas allocated in the Development Plan for industrial use and are over 1000sqm.
Retail Use Classes A1 – A5	Applications for Public Houses (Use Class A3), restaurants (Use Class A4), applications for Hot Food Shops (Use Class A5)
	Applications creating floorspace over 1000sqm
	Applications for additional A1 floorspace outside of recognised Centres
Education	Applications creating floorspace over 1000sqm
Prior Notification	Prior notifications that are recommended for approval and have objections when the same shall be determined in consultation with the Chair of the Planning committee unless there is a meeting of that committee prior to the expiry of period for determination.
Assembly and Leisure Use Class D2	Applications creating floorspace over 1000sqm
Miscellaneous	Applications for variation or non-compliance of a condition imposed by Planning Committee
	nightclubs
	Children's nurseries
	Petrol filling stations
	Amusement centres
	Places of worship
	Applications by NBC