
Meeting	Planning and Environment Committee
Date	17 June 2013
Subject	Amendment to Planning Delegated Powers
Report of	Assistant Director Planning & Development Management & Building Control
Summary	This report proposes an amendment to the powers delegated to the Chief Planning Officer (Assistant Director of Planning & Development Management & Building Control) to ensure a fit for purpose, modern, democratic, efficient and cost effective planning service in Barnet.

Officer Contributors	Joe Henry - Assistant Director Planning & Development Management & Building Control
Status (public or exempt)	Public
Wards Affected	All
Key Decision	Not Applicable
Reason for urgency / exemption from call-in	To enable officers to make decisions on applications for prior approval and to ensure that those decisions are made in a timely manner and before the expiry dates to avoid proposed development becoming lawful by default.
Function of Council	
Enclosures	None
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1. RECOMMENDATIONS

- 1.1 Section 1.1.5 of the Scheme of Delegation allows authorised officers to determine applications for prior approval in respect of permitted development proposals but restricted to agricultural, forestry and telecommunications permitted development, in accordance with the Town and Country Planning (General Permitted Development) Order 1995, as amended. The proposal is to amend this section in order to give officers delegated powers to deal with applications for prior approval introduced by the Town and Country Planning (General Permitted Development) (Amendment) Order 2013, which came into force 30th May 2013.**
- 1.2 The recommended amendment to section 1.1.5 of the Scheme of Delegation would read: “Any application for prior approval in relation to permitted development proposals in accordance with the Town and Country Planning (General Permitted Development) Order 1995, as amended.”**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Planning & Environment Committee 30 November 2005, approved recommendation of report on Revision to Planning Delegated Powers.**

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Effective and efficient decision making and value for money are important aspects underpinned by the Corporate objective to provide “better services with less money”. The proposed minor change would help to achieve this objective by reducing the time spent by officers and councillors in dealing with applications for prior approval.**

4. RISK MANAGEMENT ISSUES

- 4.1 Failure to give delegated powers to officers to make prior approval decisions would result in a large number of these applications having to be presented to Planning Committees detrimentally impacting on service delivery, increase costs to the council and have consequential reputational risks.**
- 4.2 If applications for prior approval could only be dealt with by Planning Committees then it is highly likely that a large number of applications for prior approval would not be able to be determined before statutory deadlines, resulting in prior approvals not being required by default.**

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 It is unlikely that the proposal would present a conflict with either Barnet Council’s Equalities Policy or the commitments set in our Equality Scheme as the increased threshold will apply to all residents. Improved efficiency in the planning department will have a beneficial impact on all residents.**

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

6.1 No additional cost implications arise from this proposal.

7. LEGAL ISSUES

7.1 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 (“the Order”) amends the Town and Country (General Permitted Development) Order 1995 to allow new permitted development rights for change of use; to extend existing permitted development rights for homes and business premises; and to switch off the requirement for prior approval of fixed line broadband apparatus on article 1(5) land.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

8.1 Responsibility for Functions - paragraph 7.1- Council’s Constitution provides that Chief Officers as listed in Article 11 can take decisions, in consultation with the Cabinet Member concerned (or without consultation where it is a decision authorised to be taken by the Chief Officer under the Contract Procedure Rules or it involves the implementation of policy or earlier decision of the Council or Cabinet or Committee or it is in respect of operational matters within the Chief Officer's sphere of managerial or professional responsibility and is not significant in terms of budget or policy).

8.2 Responsibility for Functions - paragraph 7.4- Council’s Constitution states that Besides having delegated powers to deal with executive matters, specific Chief Officers have powers to deal with regulation, licensing enforcement, staffing and other statutory matters which are functions for which the Council is responsible, or for which the Council, acting as Licensing Authority, is responsible. These powers must be set out in the Directorate Scheme of Delegation to Officers.

9. BACKGROUND INFORMATION

9.1 Under the Council’s Constitution, the planning function is devolved to the Planning & Environment Committee and the East & West Area Planning Sub – Committees.

9.2 Part 3 of the council's Constitution sets out the detailed arrangements for the allocation and discharge of the Council's responsibilities. Many of these have been delegated to chief officers and they, or their representatives, are authorised to make decisions which both speed up the process and remove the need for such matters to be considered by Planning Committees. The Chief Planning Officer (Assistant Director of Planning & Development Management & Building Control) has been delegated powers by the Planning and Environment Committee to deal with planning and associated matters.

The powers delegated to officers include certain types of applications for prior approval but do not include applications for prior approval introduced by the Town and Country Planning (General Permitted Development) (Amendment) Order 2013, which came into force 30th May 2013.

- 9.3 The new prior approval processes, introduced by the amendment to the General Permitted Development Order, are development consisting of:
- rear extensions to dwelling houses up to 8 metres in depth for detached dwelling houses and up to 6 metres in depth for other types of dwelling houses
 - a change of use of offices (Class B1a) to dwellings (Class C3)
 - a change of use of hotels (Class C1), residential institutions (Class C2 & C2A) and assembly and leisure (Class D2) to a state funded school
 - a change of use of an agricultural building exceeding 150 square metres but not exceeding 500 square metres, to a flexible use falling within either shops (Class A1), financial and professional services (Class A2), restaurants and cafes (Class A3), business (Class B1), storage and distribution (Class B8), hotels (Class C1) or assembly and leisure (Class D2).
- 9.4 The council has already received a large number of prior notifications for rear extensions to dwelling houses. Prior approval for rear extensions to dwelling houses, which meet the new criteria, are required if the council receive an objection from a neighbouring occupier or owner. In cases where an objection is received, the council have 42 days, from the date the original notification was received, to make a decision, otherwise prior approval is not required by default and the proposed development can commence.

10. LIST OF BACKGROUND PAPERS

- 10.1 The Council's Constitution
Report on Revision to Planning Delegated Powers, Planning & Environment Committee 30 November 2005, Reports of Special Committee (Constitutional Review), Annual Council 17 May 2011.
The Town & Country Planning (General Permitted Development) (Amendment) Order 2013.