

Planning Committee Report

London Thames Gateway Development Corporation

Review of Scheme of Delegation relating to decision making on planning applications

Report of the Director of Planning

1. Background

- 1.1. This report reviews the operation of the existing scheme of delegation on planning matters to the Director of Planning and/or the Planning Development Manager and Chief Executive (see Appendix 1). The scheme of delegation was first agreed in November 2005 and revised in 2006. The scheme was last reviewed and agreed unchanged by the Committee in November 2007 and it was agreed that it be reviewed regularly.
- 1.2. It is appropriate to have such an arrangement to ensure that an effective planning service can be provided and also that the Planning Committee agenda is of an appropriate length and can focus on those matters of particular interest and concern to Members.
- 1.3. Given that the Committee agenda can include reports on responses to other bodies and policy/strategy issues as well as planning applications, it was agreed to have two sections in the delegation agreement which reflect these two main elements.

2. Analysis

- 2.1 It is considered that the current agreement has worked well in terms of striking a balance between ensuring that the Planning Committee considers reports where significant and/or controversial matters are involved, including refusals of permission, and that other applications/requests for responses are dealt with appropriately. The Director of Planning and the Planning Development Manager continue to be very mindful of the criteria regarding the referral of reports to the Committee.
- 2.2 An analysis of decisions made under the scheme of delegation during January to December 2009 reveals the following in terms of applications. Of the 115 decided, 80 were delegated. Most of these were related to

approvals of details following previous permissions. The others were mainly small scale developments with a few being more significant which fully complied with policy. Several representations were also made to the GLA and boroughs on London Plan and LDF documents respectively although significant documents were considered by the Board and/or the Planning Committee.

- 2.3 However it is recommended that a detail of the Scheme be changed. Currently, it requires the Director of Planning to act jointly with the Planning Development Manager. In the absence of either of them, the other is to act jointly with the Chief Executive, and in both their absences, the Chief Executive is to act alone. Given that all significant and/or controversial matters are reported to Committee, it is considered cumbersome and unnecessary that normally two officers should need to act together in delegated cases. It is therefore suggested that the wording at the start of the Scheme be amended (see Appendix 2) to read:

“There are DELEGATED to:

- (a) the Director of Planning; or
- (b) the Planning Development Manager; or
- (c) in the absence of both the Director of Planning and the Planning Development Manager, the Chief Executive (or in each case such officer as may from time to time succeed or replace them)…”

3. Recommendation

- 3.1 The Committee is recommended to agree to –
- 3.2 the revised Scheme of Delegation attached at Appendix 2 and
- 3.3 further review the scheme in February 2011.

Scheme of Delegation (November 2007)

There are DELEGATED to:

- (a) the Director of Planning with the Planning Development Manager; or
- (b) if either of them shall be absent, that officer who is present with the Chief Executive; or
- (c) in the absence of both the Director of Development and the Planning Development Manager, the Chief Executive alone

(or in each case such officer as may from time to time succeed or replace them) the following:

Planning Applications

1. Any town and country planning matter for which the Development Corporation is the local planning authority and identified as a planning function of the Development Corporation in the London Thames Gateway Development Corporation (Planning Functions) Order 2005 (or such other legislation as may amend or replace it) under Articles 4(1) to (3) and articles (5) and (6) UNLESS that matter-
 - 1.1 conflicts to a material extent with policies contained in the development plan affecting the relevant matter; and/or
 - 1.2 conflicts to a material extent with the Corporation's strategies; and/or
 - 1.3 is of a nature that the officers of the Corporation consider to be controversial by virtue of such matters as the size, location, scale or impact of the matter in question.
2. The authority to negotiate, complete, discharge and vary any agreement or part of any agreement under Sections 106 and/or 106A of the Town and Country Planning Act 1990 and/or Section 16 of the Greater London Council (General Powers) Act 1974 and/or any other powers governing the conclusion of agreements relating to highways.
3. The authority to agree to the imposition of a condition (and to impose a condition) in place of an obligation under Section 106 of the Town and Country Planning Act 1990 and *vice versa*.
4. The grant of planning permission or other approvals as local planning authority for matters which would otherwise be excluded from this delegation by paragraphs 1.1 to 1.3 above but

only where it is necessary to grant planning permission or give an approval for reasons of urgency and where in the opinion of the officers in question it is not practical to submit the matter to the Development Corporation's planning committee having regard to those reasons of urgency and the time available.

Matters relating to policy

5. Responses and/or submissions to new and/or amended policies and/or proposals of other persons or bodies whether public authorities or otherwise, including the response to submissions made by other parties, whether in areas in, adjoining or the Development Corporation's planning functions area or elsewhere UNLESS in the judgement of the Director of Planning or the Planning Development Manager such responses
 - 5.1 are of a significant and/or controversial nature; and/or
 - 5.2 are likely to affect existing or emerging policies and strategies of the Development Corporation, the Borough Councils within the planning functions area and/or the Greater London Authority.

Scheme of Delegation (February 2010)

“There are DELEGATED to:

- (a) the Director of Planning; or
- (b) the Planning Development Manager; or
- (c) in the absence of both the Director of Planning and the Planning Development Manager, the Chief Executive (or in each case such officer as may from time to time succeed or replace them)..."

Planning Applications

1. Any town and country planning matter for which the Development Corporation is the local planning authority and identified as a planning function of the Development Corporation in the London Thames Gateway Development Corporation (Planning Functions) Order 2005 (or such other legislation as may amend or replace it) under Articles 4(1) to (3) and articles (5) and (6) UNLESS that matter-
 - 1.1 conflicts to a material extent with policies contained in the development plan affecting the relevant matter; and/or
 - 1.2 conflicts to a material extent with the Corporation's strategies; and/or
 - 1.3 is of a nature that the officers of the Corporation consider to be controversial by virtue of such matters as the size, location, scale or impact of the matter in question.
 2. The authority to negotiate, complete, discharge and vary any agreement or part of any agreement under Sections 106 and/or 106A of the Town and Country Planning Act 1990 and/or Section 16 of the Greater London Council (General Powers) Act 1974 and/or any other powers governing the conclusion of agreements relating to highways.
-

3. The authority to agree to the imposition of a condition (and to impose a condition) in place of an obligation under Section 106 of the Town and Country Planning Act 1990 and *vice versa*.
4. The grant of planning permission or other approvals as local planning authority for matters which would otherwise be excluded from this delegation by paragraphs 1.1 to 1.3 above but only where it is necessary to grant planning permission or give an approval for reasons of urgency and where in the opinion of the officers in question it is not practical to submit the matter to the Development Corporation's planning committee having regard to those reasons of urgency and the time available.

Matters relating to policy

5. Responses and/or submissions to new and/or amended policies and/or proposals of other persons or bodies whether public authorities or otherwise, including the response to submissions made by other parties, whether in areas in or adjoining the Development Corporation's planning functions area or elsewhere, UNLESS in the judgement of the Director of Planning or the Planning Development Manager such responses
 - 5.1 are of a significant and/or controversial nature; and/or
 - 5.2 are likely to affect existing or emerging policies and strategies of the Development Corporation, the Borough Councils within the planning functions area and/or the Greater London Authority.
-