

Agenda Item: 14

Meeting: Development Management Committee
Date: 5th August 2009
Subject: Amendments to the Terms of Reference to the Development Management Committee
Report of: Head of Development Management
Summary: To request that the Committee endorse the amendments to the Terms of Reference of the Development Management Committee (Part E2 Page 1) and the Scheme of Delegation with regards the handling of Regulation 3 and Regulation 4 planning applications

Contact Officer: David Hale, Head of Development Management (South)

RECOMMENDATIONS:

1. That the Committee endorses the amendment to the Terms of Reference of the Development Management Committee so that the meetings are convened in one location on a three weekly cycle.
2. That the Committee endorses the proposed changes to the Scheme of Delegation with regards the handling of Regulation 3 and 4 Planning Applications.

Background

1. This issue was considered at the Constitution Advisory Group on 21st July 2009. The Group requested that the matter was referred to the Sustainable Communities Portfolio Holders, circulated to all Members of the Council and referred to the Development Management Committee for formal views. This consultation process will then refer back views to the Constitution Advisory Group on 25th August, and on to Full Council on 10th September for decision.
2. Since 1 April 2009, the Council's Development Management Committee has been meeting twice a month at two alternating venues, namely Chicksands and Dunstable. This practice accords with the recommendations set out in the report of the Constitutional and Governance Working Group (12 February 2009) and reflected in the Committee Terms of Reference within the Constitution (Part E2/Page 1).

3. Table 1 below sets out the number of applications considered by the Committee in the period since 1 April 2009 and the relevant split of applications prepared by the North and South Teams of the new Authority.

Table 1

<u>Meeting Date and Venue</u>	<u>North Applications</u>	<u>South Applications</u>
8 April, Chicksands	7	1
29 April, Dunstable	3	6
13 May, Chicksands	3	2
27 May, Dunstable	5	1
24 June, Chicksands	8	2
8 July, Dunstable	0	5
22 July, Chicksands	14	4

4. Due to the need to meet nationally set performance targets, the Committee meetings have consistently contained applications from both the North and South Teams. This has had the effect of both teams effectively preparing for a Committee every two weeks. This has placed an additional burden upon the administrative teams who compile the agendas for the meetings and prepare the presentations for the Committee. In addition, Officers attending the Committee have been required to attend meetings every two weeks at alternative venues.
5. Whilst the majority of the Members of the Sustainable Communities Transitional Task Force had supported a proposal for the Committee to meet at one venue on a three weekly basis, the work undertaken by the Constitution and Governance Working Group recommended the twice monthly, alternating venues option which was endorsed by Full Council. A determining factor in adopting this option was recognition of the commitment given in the Unitary Bid document to be closer to our communities. However, some analysis of public speaking at the Development Management Committee has shown a willingness of interested parties to attend the venues. The table below sets this evidence out.

<u>Meeting Date and Venue</u>	<u>Total Speakers</u>	<u>North items</u>	<u>South items</u>
8 April, Chicksands	16	15	1
29 April, Dunstable	4	0	4
13 May, Chicksands	8	6	1 (+ 1 no show)
27 May, Dunstable	11	9	2
24 June, Chicksands	7	5	2
8 July, Dunstable	5	0	5
22 July, Chicksands	8	7	1

By moving to a single venue every three weeks the balance between ensuring performance targets are achieved and reducing the administrative burden of

preparing for a Committee every 2 weeks would be relieved. This should free up time to ensure that other performance monitored administrative functions such as registration of applications is improved.

6. The second area to which amendment is sought relates to Regulation 3&4 applications and other applications where development is proposed on Council owned land by some third parties.

Regulation 3 applications are applications for planning permission by the Authority to develop any land of that Authority either solely or jointly with another party.

Regulation 4 applications are applications for planning permission to develop land of the Authority where they do not intend to develop the land themselves or jointly with any person.

In addition some applications are submitted by interested third parties on Council owned land or buildings, such as Schools who make their own applications or tenants of Council shops or amenity land.

7. These applications have taken up a disproportionate amount of Agenda space at present, amounting to some 28 applications to date that would not otherwise have been determined at Committee.
8. At present the Constitution is unclear on these types of application. Para 4.3.93 indicates an ability for Regulation 3 applications to be determined by Officers. However, this is contradicted by para 4.3.93.5 which sets out an exception for the purpose of delegation by including cases where the application is made for the Council's own development to be carried out jointly with another party or for development on the Council's own land.
9. It is requested that the scheme of delegation be amended for Regulation 3 applications, or other applications where the Council has an interest, to be delegated unless an objection (or contrary representation) is received to the proposed development and that Regulation 4 applications are specifically excluded from the delegations and are determined by the Committee.
10. Therefore, it is recommended that paragraph 4.3.93 is amended to exclude reference to 'Regulation 3 of', but reference is retained to the Regulations in general.
11. A new paragraph 4.3.93.5 would need to be inserted to deal with Regulation 3 and other Council 'land' applications. A suggested wording would be:

4.3.93.5 The application is made under Regulation 3 of the Town and Country Planning General Regulations 1992 or is for development on the Council's own land and a material planning representation(s) has been received in writing that is contrary to the Officer delegated decision otherwise to be made and in the case of objections these cannot be resolved through the imposition of conditions.

12. Paragraph 4.3.93.6 would then be amended as follows to concern itself solely with Regulation 4 applications which would all be reported to, and determined by, Committee.

A suggested wording would be:

4.3.93.6 The application is made under Regulation 4 of the Town and Country Planning (General) Regulations 1992.

CORPORATE IMPLICATIONS

Financial: Savings from use of one venue, fewer meetings and smaller agendas.

Legal: None.

Risk Management: None.

Staffing: Savings from use of one venue, fewer meetings and smaller agendas.

Equalities/Human Rights: None.

Community Safety: None.

Sustainability: None.

Background Papers: None other than referred to in the report