

**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER**

TO: COUNCIL

DATE: 29th SEPTEMBER, 2022

Report Author: Neil Watson
Tel. No: 01282 661636
E-mail: neil.watson@pendle.gov.uk

CENTRAL PLANNING COMMITTEE SCHEME OF DELEGATION

PURPOSE OF REPORT:

To consider amendments to the Constitution and the Scheme of Delegation for the central Planning Committee.

RECOMMENDATIONS

- (1) That the notes of the Group be noted.
- (2) That Council considers what the scheme of delegation should comprise of.

REASON FOR RECOMMENDATIONS

To implement the decision taken at Annual Council and to ensure Pendle has a fit for purpose scheme of delegation for its planning function.

Officer Comments

Following on from the last Council meeting a working group was convened to consider the scope and content of the scheme of delegation on planning matters. The following comprises the outcome of that meeting together with the decisions on the Scheme as agreed at the last Council meeting.

Amendments to the Constitution

The following shall be incorporated into the Constitution

- 1 That it comprise eleven councillors reflecting the current political balance of 6 Conservatives; 4 Labour; 1 Liberal Democrat.
- 2 That all Members of the Committee undertaken planning training
- 3 That each member be permitted to nominate one substitute who has also undertaken the mandatory training.
- 4 That Parish and Town councils be invited to nominate a representative to attend meetings where the agenda includes a matter in their area; such representatives to have the right to speak on such matters but not vote.
- 5 That meetings be held monthly normally on the second Wednesday of the month beginning at 7 pm at venues around the Borough.
- 6 Officers will present each application at the start of its consideration.

PLANNING COMMITTEE FUNCTIONS

1. To deal with applications for planning permission, advertisement consent, listed building consent etc. under the Town and Country Planning and other Acts and to approve Section 106 Agreements.
2. To consider all enforcement and other action, including legal proceedings, under the Town and Country Planning Acts.
3. To authorise action, including the institution of legal proceedings, for non- compliance with the Building Regulations.
4. To authorise action, including the institution of legal proceedings, to secure compliance with notices served in respect of dangerous buildings under the Building Act 1989.
5. To deal with matters relating to tree preservation and protection of hedgerows, including the making of orders and the institution of legal proceedings.
6. To make revocation, modification, completion and discontinuance orders in cases where no compensation is payable.
7. To deal with all matters relating to designated conservation areas.

.....

FUNCTIONS DELEGATED TO THE PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES MANAGER

	FUNCTIONS	CONDITIONS OR RESERVATIONS	CONSULTATIONS
	Planning and Building Control Delegations		
1.	To determine all applications under the Town and Country	But not where :-	The Chairman of the Committee.

	<p>Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Hazardous Substances Act 1990, the Town and Country (Tree Preservation Order) Regulations, the Town and Country Planning General Development Order and the Town and Country Planning (Control of Advertisements) Regulations.</p>	<ul style="list-style-type: none"> • Made or deemed to be made by the Council; • The decision could give rise to claim for compensation or a purchase notice; • Made by a Councillor or officer of the Council; • An Environmental Impact Assessment is required; • It is intended to overrule objections on a planning matter contrary to the officer recommendation from 3 or more separate addresses made within the statutory neighbour consultation period; • It is major development except for reserved matters and variations of conditions • A Councillor, within 21 days of notification via the weekly list of the submission of the application, requests that it be determined by the Committee; • The Chairman of the Committee requests that the application is brought to the Committee. • The Parish/Town Council in which the application is situated, within 21 days of notification via the weekly list of the submission of the application, requests that it be determined by the Committee and the application be considered by Committee unless the decision would be in accordance with the views of the Parish/Town Council; 	
2.	<p>To determine whether to accept planning applications under the Planning Acts when the Acts indicate the Council can decline to entertain them.</p>		
3.	<p>To determine whether it is expedient to issue Planning Enforcement</p>	<p>Not where the Chairman requests that the decision be made by the Committee.</p>	<p>The Chairman and Ward Councillors</p>

	Notices, Planning Contravention Notices, Breach of Condition Notices and Stop Notices.		before the notice is issued.
4.	To give an opinion whether a proposed development would be affected by the Environmental Impact Regulations.		
5.	To serve requisitions for information and planning contravention notices.		
6.	To remove or obliterate illegally placed placards or posters.		
7.	To operate the building regulations systems, including the issue of all notices, certificates etc.		
8.	To deal with dangerous buildings.		
9.	To deal with complaints to the Council under Part 8 of the Anti-Social Behaviour Act 2003 (High Hedges) and Regulations made thereunder, including the issue and withdrawal, waiver or relaxation of the requirements of Remedial Notices.		
10.	To authorise on his behalf the Council's Planning Enforcement Officer to enter onto any land for the purpose of carrying out his/her duties.		

IMPLICATIONS

Policy: The changes outlined above reflect the Council's new policy on the governance arrangements for dealing with planning matters.

Financial: The move to a central Planning Committee will be broadly cost neutral.

Legal: None arising directly from the report.

Risk Management: None arising directly from the report.

Health and Safety: None arising directly from the report.

Sustainability: A single Committee would not require as much travelling and would have a lower carbon footprint

Community Safety: None arising directly from the report.

Equality and Diversity: None arising directly from the report.

APPENDICES

Terms of reference and officer scheme of delegation

LIST OF BACKGROUND PAPERS

None