

PLANNING COMMITTEE – 3 APRIL 2012

NPPF AND OUTSTANDING DECISIONS REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)



Hinckley & Bosworth
Borough Council

A Borough to be proud of

WARDS AFFECTED: ALL WARDS

1. PURPOSE OF REPORT

To seek authority from members for the Head of Planning to take certain decisions following the coming in to force of the National Planning Policy Planning Framework ["the Framework"]

2. RECOMMENDATION

That the Head of Planning be authorised to consider further the planning applications set out in section 3 of the Report against the policies in the Framework, and;

- a) unless he considers that the decision would be inconsistent with the policies in the Framework such as to justify a reconsideration of the application by the committee, that he be authorised to agree any section 106 agreement and/or issue a decision notice in respect of such applications, but;
- b) if he does consider that the decision would be inconsistent so as to justify a reconsideration, that he bring the application back to a future meeting of the committee.

3. BACKGROUND TO THE REPORT

- 3.1 Members will be aware that the government published the Framework on 27 March 2012, effective immediately.
- 3.2 The Head of Planning emailed all members on 30 March indicating his intention to present a detailed assessment for members on the impact of the Framework in the second half of April.
- 3.3 The Framework provides that with effect from 27 March due weight should be given to relevant policies in local plans according to their degree of consistency with the Framework.
- 3.4 Planning permission is deemed not to be formally given until the issue of the Decision Notice, and advice from the Department for Communities and Local Government helpline is that where a LPA has resolved to grant permission but has not issued a decision notice prior to 27 March, the LPA should review that resolution against the policies in the Framework.
- 3.5 The following applications fall into that category;
 - a) Land South of Newbold Road/Manor Road Desford [11/00029/OUT] Committee resolved to grant outline permission subject to the signing of a section 106 agreement being agreed.
 - b) The George Inn Main Street Markfield [11/00431/FUL] committee resolved to grant permission subject to the signing of a section 106 agreement being agreed.
 - c) The George Inn Main Street Markfield [11/00455/CON] committee resolved to grant permission subject to the signing of a section 106 agreement being agreed.

- d) Hinckley Club Young for People Stoke Road Hinckley [11/00571/FUL] committee resolved to grant permission subject to the signing of a section 106 agreement being agreed.
- e) Land opposite superstore Stoke Road Hinckley [11/00308/FUL] committee resolved to grant permission subject to the signing of a section 106 agreement being agreed.
- f) Glebe Farm Kirkby Road Barwell [11/00791/OUT] committee deferred the application subject to officers seeking design improvements.

3.6 Given that these applications have been debated and decided by the committee, and in order to seek to enable the developments to proceed, delegated authority from the committee to the Head of Planning is sought to empower him to consider the applications against the policies in the Framework.

3.7 Unless the Head of Planning considers that the decision is inconsistent with the policies in the Framework such as to justify a reconsideration by the committee, then it is requested that he be authorised to agree any section 106 agreement and/or issue a decision notice.

3.8 Such a delegation would enable compliance with the provisions in the Framework, and enable the developments already agreed by committee to proceed

4. FINANCIAL IMPLICATIONS [initials of person writing the implications]

[Finance to insert – reports must be submitted to Finance by the deadline stated on the list of deadlines which can be found on the intranet. If there are no implications, it is for the relevant Finance officer to state 'none']

5. LEGAL IMPLICATIONS [MR]

5.1 The legal implications are contained in the body of the report, but, in summary, the proposed delegation of authority is acceptable in law, there must be a consideration of the impact of the Framework on the decision of the committee before the formal grant of permission by means of a decision notice and the development will be enabled to proceed provided that the consideration in section 3 are met.

6. CORPORATE PLAN IMPLICATIONS

The report relates to the corporate aim of strong and distinctive communities as a result of enabling approved development.

7. CONSULTATION

None as it relates to an internal procedural matter

8. RISK IMPLICATIONS

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Implications of not considering the NPPF on validity of applications	Ensuring that NPPF is considered before decision notices are issued	Mike Rice

9. **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

Affects the whole Borough

10. **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications
- Planning Implications
- Voluntary Sector

Background papers: None

Contact Officer: Mike Rice, ext 5831
 Executive Member: Councillor Stuart Bray