



Report To: Planning Committee
Lead Officer: Planning and New Communities Director

5 November 2014

Amendments to the Scheme of Delegation

Purpose

1. The purpose of this report is to seek to update the existing scheme of delegation to ensure that officers have the necessary powers to be able to determine prior notifications and 'low level' application types introduced over recent years so that the time of the Planning Committee is best used to deal with cases of an appropriate scale and nature.
2. This is not a key decision because it relates to an amendment to the existing scheme of delegation which can be considered by the Planning Committee.

Recommendations

3. It is recommended that the revised planning scheme of delegation as outlined in appendix A be endorsed by the Planning Committee and recommended for approval by Full Council. The Scheme of Delegation forms part of the Council's Constitution.

Reasons for Recommendations

4. The changes outlined above are proposed for good housekeeping reasons to ensure that the Council is not legally challenged over its decision making processes and to allow proposals to be considered at the correct level in a timely manner so as not to delay development.

Background

5. The scheme of delegation has become out of date, due to the recent introduction of a number of new planning application types and prior notifications by the government. These are predominately small scale and usually non- controversial types of planning application.

Considerations

6. It is some years since the scheme of delegation was refreshed.
7. It is good practice to fully review the Scheme of Delegation periodically. This report does not propose a full review at this stage; that is something officers and members can do together at a later date. This proposal is simply to make straight forward changes to ensure the scheme encompasses the new types of planning applications and prior-notifications that have been introduced over recent year and also to reflect the current job titles within the department.
8. Due to the way that the scheme of delegation is worded - negatively (*i.e. only the following items are delegated to officers as opposed to the more common, everything*

is delegated with the exception of the following) as new application types are introduced or removed by the government, they are not automatically included under the scheme of delegation. If this remains unchanged it would increase the number of proposals dealt with each month by the Committee and result in officers referring very small scale proposals rather than allowing it to concentrate on the larger or more controversial applications.

9. The Planning Committee will be aware that it has been the Coalition Government's agenda to simplify the planning system and that they have been very active in making changes since they came into power, particularly so in 2013 and in 2014 with the extension of the prior approval planning process to consider items which they have determined are otherwise permitted development. These items include, for example, the larger extensions (those up to 8m long), the flexible consents to allow changes between the 'A' categories of development and also the B1 use as defined in the 'Use Classes Order' (the A categories being shops, restaurants, public houses etc. with B1 being business uses), the ability to change from employment uses to residential and also the ability to change agricultural buildings into residential properties amongst a number of other changes.
10. The way the scheme of delegation is currently drafted necessitates all forms of applications and notifications to be listed. Officers have therefore ensured that it now contains all the types that have been introduced, for example non material minor amendments and both types of Lawful Development Certificates (proposed and existing). These are now captured in Para (k) – (p) in the appendix. The current scheme also referred to Conservation Area Consent which is no longer exists so this has been removed from the proposed scheme.
11. The government is currently consulting with Local Authorities over the introduction of more types of prior approvals which is likely to result in a further change later on this year or in early 2015. It is also recommended that 'a catch all' be included to ensure that the suggested changes proposed by the Government, and any other future changes introduced by them are also automatically delegated to officers rather than having to amend the scheme of delegation every time.
12. Members will be aware, that the scheme of delegation allows you to call in any of the application types referred to in appendix A to the Planning Committee for determination should you feel that it is appropriate to do so. This will not change as part of this suggested amendment to the scheme of delegation.
13. The changes outlined above are proposed for good housekeeping reasons.

Options

14. There are three options available to members, to:
 - Agree the suggested changes to ensure that all decisions that are made are legal and at the appropriate level.
 - Leave the Scheme of Delegation unchanged which would necessitate all of the newly suggested application types in appendix (a) to be considered by the Planning Committee.
 - To suggest a different variation to the Scheme of Delegation.

Implications

15. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered: -

Financial

16. There are no financial implications arising from the recommendations.

Legal

17. The revisions as proposed to the scheme of delegation have been discussed with the Legal Team and it has been agreed that the changes are appropriate and in the interest of good housekeeping and will ensure that the Council is free from challenge to its decision making processes.

Staffing

18. There are no implications arising from the suggested changes. However, if the changes are not agreed, then additional time and resource maybe required to prepare the cases for the Planning Committee meetings and additional officer time to present the cases.

Risk Management

19. There are no risks from agreeing to the suggested changes.
20.

Equality and Diversity

21. There are no implications.

Climate Change

22. There are no implications.

Consultation responses (including from the Youth Council)

23. None were requested.

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: - (a) at all reasonable hours at the offices of South Cambridgeshire District Council; (b) on the Council's website; and (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.
Existing Council Constitution.

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