

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

4 November 2015.

**LEAD OFFICER:** Director of Planning and New Communities.

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### **Consultation on amendments to the current scheme of delegated powers for planning decisions.**

#### **Purpose**

1. To consult Planning Committee on draft amendments to the current scheme of delegation, which forms part of the Council's Constitution.

#### **Recommendations**

2. To consider the proposed changes to the Scheme of Delegated Powers for Planning Decisions, and, as part of the consultation on these changes, make comment to the Civic Affairs Committee on the proposal and alternative option set out below.

#### **Reasons for Recommendations**

3. To increase efficiency, to help provide greater clarity over the role of district councillors and parish councillors and provide a simple process that is robust from challenge. It will allow Planning Committee to focus on the most significant and/or contentious planning applications.

#### **Background**

4. All Councils are encouraged to keep their policies and procedures under review. It is sometime since this Council has done this, save for changes in November 2014 which were of a technical change in response to government additions to the planning system and did not materially affect the level of delegation.
5. At present approximately 90% of the Council's planning decisions are delegated to officers. Even so its Planning Committee still has lengthy agendas, regularly including matters of a minor nature.
6. To address this, the Portfolio Holder at his meeting on 8<sup>th</sup> September agreed to review the current scheme of delegation, and consult on a revised scheme. The full background and changes proposed are included in the appendix to this report.

#### **Considerations and Options**

7. There are two key changes proposed to the scheme of delegation.
8. The first relates to how the scheme is set out. At present it lists all the matters to be delegated. The consequence of this is that it can soon become outdated by changes in national regulation and policy, for example the introduction of new application types such as notification of prior approvals.

9. To avoid the need repeatedly bring back reports to update the scheme of delegation, the proposal scheme allows for all decisions to be delegated other than those set out in appendix A of the background report.
10. The second change relates to the automatic referral of both minor and major applications where an officer is recommending approval and this would conflict with the representations of a Parish Council where that representation would not substantially be satisfied through the use of planning conditions.
11. This current approach is an anomaly in that parish councils have an automatic referral, whereas local members, who form part of the Council, can only refer through designated officers and The Chairman of The Planning Committee.
12. One consequence of the referral arrangement is that Planning Committee agendas become lengthy and burdensome on both Member and officer time. As a result Planning Committee currently considers a wide range of applications rather than focussing on those which are most complex and/or controversial. For example the October SCDC main Planning Committee considered 13 applications ranging from a significant housing proposal for 144 homes to a number of applications for single dwellings and one for a security fence. Furthermore there is also a risk, in incorporating parish councils into the planning decision making process, of challenge to the integrity of decision making of the local planning authority.
13. The proposed scheme therefore seeks to remove this automatic referral. In doing so, it important to ensure an appropriate balance is maintain between implementing national and local planning policy and the need to take proper account of local views.
14. All District Council members would retain the ability to call in at the end of the consultation period any application to the Planning Committee, subject to the Chairman's agreement upon the planning reason for doing so. The period for doing this proposed to be being extended from 21 days to 28 days to allow the district councillor to talk with and take account of the parish council formal responses. This should enable local district and parish council members to work more closely together in representing local community views and would still allow a referral to committee if a particular scheme was felt to be particularly controversial locally.
15. The background report included in the appendix sets out other options that have to date been considered.

### **Consultations**

16. At the time of report writing, consultation is still underway. The consultation period runs until 28<sup>th</sup> October.
17. All Parish Councils have been consulted on the proposed changes.
18. Workshops were held for SCDC Members and Parish Councils on 14<sup>th</sup> October 2015; and the changes were discussed with Planning Agents at the Agents Forum on 5<sup>th</sup> October 2015.

### **Alternative Option**

19. An alternative proposal emerged from the Member Workshop and was also discussed at the Parish Forum. The alternative suggestion would replace the 'automatic referral' to Planning Committee (where a parish council recommends

refusal which is at variance with the officer recommendation), with a request by Parish Councils. So when Parish Councils are consulted on a planning application it would be asked at that stage not only to comment on the merits of the proposal, but to also consider whether this was an application that it felt should be referred to Planning Committee and the reasons for doing this, for example, because of the strength of local feeling. The request would be considered by the Chairman of Planning Committee, as advised by designated officers, who would either accept the request, or explain reasons why it is cannot be accepted.

20. The Cambridge Fringes JDCC was informed of these proposed changes when it considered the proposals for City Deal schemes. It was broadly supportive of the proposed approach.
21. This is one alternative proposal, other suggestions mayl emerge during the consultation period, which will be reported to the meeting of Civic Affairs Committee on 12 November 2015. The responses received will be considered at that before a recommendation is made to SCDC Full Council on 26<sup>th</sup> November 2015.

### **Conclusions**

22. The proposed changes are being aimed at increasing efficiency, to help provide greater clarity over the role of district councillors and parish councils and provide a simple process that is robust from challenge. It will allow Planning Committee to focus on the more significant and/or contentious cases. For these reasons it is recommended that proposed amendments to the scheme of delegation are supported.

### **Implications**

23. **Financial**  
There are no direct financial implications arising from the proposals
24. **Staffing**  
There will be benefits arising from the proposals, in terms of reducing the amount of time that officers spend on preparation of Committee reports.
25. **Equality and Diversity.**  
It is not considered that an Equality Impact Assessment is required in relation to the proposals in this report as it relates to amendments to existing procedures. The amended Scheme of Delegation still allows for individual planning applications that would normally be delegated to officers for a decision, but that may raise sensitive issues/ have equal opportunities implications, to be referred to Committee by Members or at the discretion of officers.
26. **Environmental Implications**  
There are no environmental implications arising from the proposals.

### **Appendices**

Report to SCDC Planning Portfolio Holder Dated 8<sup>th</sup> September 2015 and its appendix.

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