

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Portfolio Holder

14 March 2016.

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

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### **Amendments to the current Scheme of Delegated Powers**

#### **Purpose**

1. To consider the responses received in respect of the proposed changes to the scheme of delegation and make a recommendation on a revised scheme to Planning Committee.
2. The scheme of delegation and functions for planning decisions form part of the Council's Constitution.

#### **Recommendations**

3. That the Planning Portfolio Holder endorses and recommends to the Planning Committee that the current scheme of delegation be amended in the following manner:
  - i) to allow to all decisions to be delegated other than those listed in Appendix A
  - ii) that the time given for District Councillors to request an application be considered by Planning Committee is extended from 21 to 28 days,
  - iii) that the automatic referral to Planning Committee is removed when an officer recommendation of approval conflicts with representations by the Parish Council and these cannot be substantially addressed by planning condition. Instead this is replaced by the right of the Parish Council to request an application is considered by Planning Committee. The request must be supported by material planning reasons and the final decision on whether the application is considered by Planning Committee will be taken by the Chairman of Planning Committee as advised by the Designated Officer (Head of Development Management or Head of New Communities)
4. That the Revised Scheme of Delegation should be given at least a year to bed in, and a formal review process involving Parish Councils should take place within 24 months.

#### **Reasons for Recommendations**

5. This proposal forms part of a programme of changes to improve processes within the Planning Service to ensure it is providing an efficient and effective service to all its customers. In this new format, The Scheme can readily accommodate any future changes in national regulation and policy, e.g. new types of application or prior notifications.

6. It will allow Planning Committee to focus on the most significant and/or contentious planning applications and support closer working between Parish Councils and their District Councillors.

### **Background**

7. All Councils are encouraged to keep their policies and procedures under review. It is some time since this Council has done this, save for changes in November 2014 which were of a technical nature and were made in response to government additions to the planning system. These did not materially affect the level of delegation.
8. 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. The number of planning applications received by the Council remains high, as does the nature and complexity of planning proposals.
9. To address this, the Portfolio Holder at his meeting on 8<sup>th</sup> September 2015 agreed to review the current scheme of delegation, and consult on a revised scheme. At his meeting on 17<sup>th</sup> November 2015, having listened to the responses received and the ensuing debate, the Portfolio Holder asked officers to look again at the scheme of delegation of planning decisions, and deferred making a recommendation for a period of up to six months
10. The Scheme now proposed has been developed in response to wide consultation with and comments of Parish Councils (September/October 2015, and January/February 2016) and discussions at a District Councillor Workshop on 22<sup>nd</sup> October, the Parish Planning Forum 22<sup>nd</sup> October 2015 and the Planning Portfolio Holder Meeting on 17<sup>th</sup> November 2015.

### **Considerations and Options**

#### **Proposed Scheme of Delegation**

11. The first proposed change relates to how The Scheme is set out.
12. At present The Scheme lists all the matters to be delegated. The proposal Scheme allows for all decisions to be delegated other than those set out in Appendix A and as such is a more flexible format which can readily accommodate changes in national regulation and policy, for example the introduction of new application types such as notification of prior approval.
13. 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 and where that representation would not substantially be satisfied through the use of planning conditions. Instead it is recommended that be replaced with a request by Parish Councils. So when a Parish Council is 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 this view. These requests would be referred to the Chairman of Planning Committee as advised by the Head of Development Management for final decision.
14. This corrects the current anomaly in the process whereby Parish Councils have an automatic referral, whereas District Councillors, who form part of the Council, can only refer through designated officers and the Chairman of The Planning Committee.

Under the proposed scheme they will both have the same opportunity to request an application be considered by Planning Committee so long as they set out the material planning reasons for doing so.

15. All District Councillors 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 is proposed to be 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.
16. The consultation form for Parish Councils would be amended as set out in Appendix B. It includes the specific question about whether the Parish Council wishes to refer the application to Planning Committee, and if so to set out the reasons why. The form lists typical material considerations and those which are not. It reminds Parish Councils of the value and importance of attending Planning Committee to support it comments. This draft form has been sent to Parish Councils for comment. A number commented that it was an improvement and that additional of information about material considerations was helpful.
17. Where a Parish Council or District Councillor request for referral is not supported, the Chairman of the Planning Committee will set out the reasons why in writing, taking into account the following criteria:
  - Relevant material planning considerations raising significant planning concerns
  - Significant implications for adopted policy
  - The nature, scale and complexity of the proposed development.
18. This revised Scheme has been developed in response to comments by Parish Councillors, District Councillors and CPRE. All comments received in the most recent consultation are set out in Appendix C, together with a response to each point made
19. During this consultation a number of points were raised and these are addressed in the following paragraphs.
20. The final clause within the January Version of proposed Scheme of Delegation (Appendix D) was queried by two Parish Councils. Both asked for this to be reviewed to ensure that departures from the Local Plan will be presented to Planning Committee (unless the application is to be refused). In this final version (Appendix A), the wording has been amended to address this comment.
21. Two consultees raise queries about the criteria by which the Chairman in consultation with the Designated Officer will make the judgement on whether applications will be referred to Planning Committee. These are set out in paragraph 17 above. In addition, if a request for referral to committee is declined, a written response will be given setting out the reasons for the decision. Over time it is envisaged that all parties will become more familiar with the process and reasons. Feedback on this mechanism will form part of a future review.
22. Several Parish Councils ask for more notice of applications that are going to Planning Committee, so that they can make arrangements for representatives to attend. At present Parish Councils are notified five working days in advance when the agenda papers are publicly available. Increasing this will certainly be possible on the larger

schemes which have Development Delivery Agreements in place with agreed timescales, (usually including a Planning Committee date as a key milestone). For the other applications, we will see what we can do to bring this forward. We are currently reviewing our planning process, and will aim to increase this to ten working days.

23. Implementation of the revised Scheme of Delegation will be kept under review. Given the length of time it takes for planning applications to go through the process, and given the wide range of other improvements being introduced in the Planning Service, it is recommended that the proposed Scheme of Delegation be given at least a year to bed in. As such it is recommended that it should be formally reviewed within 24 months, with Parish Council input into the review.

### **Options**

24. The earlier scheme which was discussed and consulted In September/October included replacing the automatic referral for Parish Councils with one by District Councillors only, with the aim of encouraging Parish Councils and District Councillors to work more closely together to represent local community views. A large number of Parish Councils were concerned by this approach which left District Councillors as gate keepers.
25. Following discussions with both District- and Parish Councillors at the Parish Planning Forum on 14<sup>th</sup> October 2015, the current proposals emerged and gained considerable support. These were the subject of further consultation in January/February 2016.
26. Extending the current referral arrangement of Parish Councils to one of full delegation for decision upon certain types of applications was outlined in an earlier Portfolio Holder report but not taken forward. This has been explored in the past by a few Councils, notably Cornwall and Chelmsford but has been rejected in order for the District Council to retain its integrity and responsibility as the Local Planning Authority. The desire to make planning decisions at a more local level has resulted in area planning committees in various authorities. These are however expensive to run and can be complex in operation.
27. Leaving the Scheme of Delegation unchanged is not an option given the current high number of planning applications and the need to ensure that Planning Committee is able to focus on the more significant and controversial applications as well as having time to prepare by way of briefings and training.

### **Consultations**

28. There has been wide consultation on these proposed changes to The Scheme of Delegation. The second round of consultation ran from 14 January until 19 February 2016.
29. All Parish Councils were consulted on the proposed changes, and a reminder sent out on 10 February 2016.
30. Responses were received from 13 Parish Councils ( Lt Abington, Cottenham, Fowlmere, Girton, Granchester, Hatley, Hauxton, Histon and Impington, Milton, Stapleford, Swavesey, Thriplow, Whaddon) and the CPRE
31. All comments received are set out in Appendix C together with a response to each point made.

32. In summary there is broad support from those Parish Councils that responded to the consultation. Of 13 Parish Councils that commented, 11 either support or raise no objections to the proposed Scheme. Two request an amendment in respect of the final clause, which is accepted. In addition several have asked for the length of notice of applications going to Planning Committee to be extended; this is acknowledged and has been addressed in Paragraph 25 above. Two consultees express concern about the mechanism by which requests will be considered.
33. An update on the Scheme of Delegation will be included within the agenda for the next Parish Planning Forum on 22 March 2016.

### **Conclusions**

34. The proposed changes aim to increasing efficiency, and to support closer working between District Councillors and Parish Councils. It will allow Planning Committee to focus on the more significant and/or contentious cases, having regard to any that are felt to be particularly controversially locally.
35. The revised Scheme has been developed following wide consultation and in response to comments made by Parish Councils and District Councillors.
36. For these reasons it is recommended that proposed amendments to the scheme of delegation are supported.

### **Implications**

#### **Financial**

37. There are no direct financial implications arising from the proposals

#### **Staffing**

38. There will be benefits arising from the proposals, in terms of reducing the amount of time that officers spend on preparation of Committee reports

#### **Equality and Diversity.**

39. 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.

#### **Environmental**

40. There are no environmental implications arising from the proposals.

### **Appendices**

Appendix A - Proposed Scheme of Delegation (March 2016 Version)

Appendix B - Revised Consultation Form for Parish Councils.

Appendix C – Consultee Responses.

Appendix D - January Version of Proposed Scheme of Delegation.

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