



**Report To:** Planning Portfolio Holder  
**Lead Officer:** Director - New Communities & Planning

8 September 2015

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## **Consultation on Draft Amendments to the Delegated Powers and Functions for Planning Decisions**

### **Purpose**

1. To consider draft amendments to the current scheme of delegation, which forms part of the Council's Constitution, so that officers have the powers to determine a range of applications and Planning Committee reaches robust decisions on schemes of an appropriate scale and nature.
2. This is not a key decision because it is presenting proposals for consultation, the results of which will inform a review of the existing scheme of delegation, which forms part of the Council's Constitution.

### **Recommendation**

3. It is recommended that the Portfolio Holder considers the report and approves Appendix A as the basis for consultation with parish councils, local members, the Planning Committee and members of the public.

### **Reasons for Recommendation**

4. This is to enable full consultation on proposed improvements to the scheme of delegation and management of the Planning Committee agenda. It is timely to review such delegation arrangements.

### **Background**

5. The vast majority, approximately 90%, of all planning decisions under the current scheme are delegated to officers. Even so, Planning Committee still has lengthy agendas, often including some matters of a minor nature. Raising the level of delegated cases to 95% would increase efficiency and allow Planning Committee to focus on the most significant cases.
6. Any changes, however, should be in the context of achieving the appropriate balance between implementing national and local planning policy and the need to take proper account of local views.
7. Current arrangements set out particular planning matters to be delegated. This means the scheme is readily outdated by changes in national regulation and policy. For example, on 5 November 2014, minor amendments to the scheme were approved to enable new planning application types, such as notifications of prior approval, to be delegated to officers. This was a technical change in response to

government additions to the planning system, and did not materially affect the level of delegation.

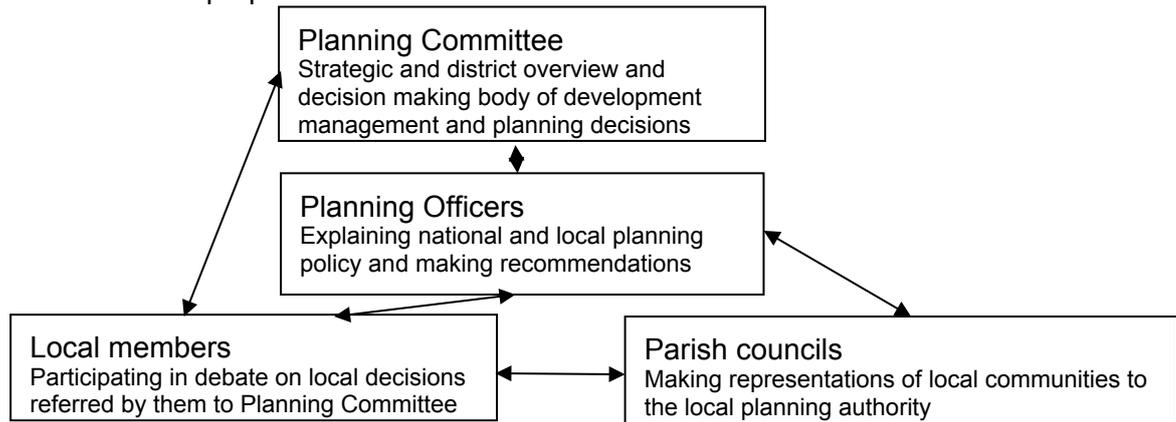
8. To avoid this repeatedly occurring, a scheme is proposed that delegates all planning decisions to officers, with a list of exceptions reserved to Planning Committee.
9. The current procedure for referral of a case to Planning Committee includes:
  - (a) *For Major or Minor Developments a recommendation of approval would conflict with written representations on material planning ground received from a Parish Council within the specified consultation period where such representations would not substantially be satisfied through the imposition of conditions and*
  - (b) *An elected member of the District Council has, within 21 days of the date of registration of an application, requested in writing and the Planning and New Communities Director, Head of New Communities or Development Control Manager has agreed that Committee determine the application...in consultation with the Chairman of Planning Committee...*
10. Operation of these referral mechanisms has in practice not been clear. There is an anomaly in that parish councils have an automatic referral, whereas local members may refer only through designated officers and the Chairman. The roles of local members and parish councils would benefit from review, and this should bring greater clarity.
11. At the 10 August 2015 Portfolio Holder meeting, the need to review planning decision delegations was noted. This report is brought forward to address the following issues:
  - (a) To clarify the role of local members and parish councils
  - (b) Retain a simple process that is robust from challenge and
  - (c) Increase efficiency and working with local communities and partners.

### **Considerations**

12. The consequence of the current referral arrangement is that Planning Committee agendas can be lengthy and burdensome on members' and officers' time. Furthermore, there is 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 principle of the revised delegation scheme should be that all planning decisions are delegated by members to officers **except** for a range of applications of scale and nature more appropriate for members to determine. A draft for consultation is set out in Appendix A. It is based on schemes adopted by other rural local planning authorities that are regarded as best practice, but adapted to include matters in the Council's current scheme.
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. This should enable local district and parish council members to work more closely together in representing local community views.
15. Changes to the Joint Development Committees are under consideration, principally that planning decisions for City Deal transport schemes are delegated to the Cambridge Fringes JDCC from the County Council and also considering the Northstowe JDCC. These matters are not considered in this report.

## Options

16. The preferred option is that parish councils, local members and planning officers continue to work together to ensure that local views are properly expressed to the Council, and balanced against national and local planning policies. The recommended proposal is demonstrated in the chart below:



17. Alternative options could be:
- Extend the current referral arrangement of parish councils to one of full delegation for decision upon certain types of application. This option 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 the more local level has resulted in area planning committees in various authorities. These are, however, expensive to run and can be complex in operation or
  - Enable parish councils and local members to both refer cases in an exactly similar way, but through discussion with designated officers and the Chairman of Planning Committee.
18. For information, Huntingdonshire District Council is currently reviewing corporately its scheme of officer delegations and Cambridge City Council has adopted full delegation to its Director of Environment, with a list of exceptions.

## Consultation Questions

19. In a future scheme of delegation of planning decisions:
- Should there be a stronger role for local members?
  - Should the Chairman of the Planning Committee have more control over which cases are considered by Committee?
  - Are there more efficient ways that planning decisions can be delegated?

## Programme of Consultation

20. Having set out the issues and options and what other authorities follow, it is proposed to consult with parish councils and partner authorities.

Meeting	Date	Decision
Planning Portfolio Holder	8 September	Approve draft for consultations

Joint Committees & parishes	Sept/October	Make comment
Planning Committee	4 November	Make comment
Planning Portfolio Holder	10 November	Recommend to Council
Council	26 November	Approve

### **Background Papers**

Report to 9 July 2015 portfolio holder meeting - 'South Cambridgeshire Local Plan – Response to Inspector's Letter'

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