

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Portfolio Holder

17 November 2015.

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

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### **Amendments to the current Scheme of delegated powers and functions for planning decisions**

#### **Purpose**

1. To consider responses received to the consultation on recent proposed changes and make recommendation to Council on amendments to the scheme of delegation, which forms part of the Council's Constitution.

#### **Recommendations**

2. The Portfolio Holder recommends to full Council that the scheme of delegation of planning decisions is replaced to allow them all to be delegated, other than those listed in Appendix B, based on the Alternative Option below, whereby a parish council requests of the Chairman that an application be considered by Planning Committee.

#### **Reasons for Recommendations**

3. To provide greater clarity over the role of district councillors and parish councillors and provide a simple process that is robust from challenge. Reducing the number of applications referred to Planning Committee will allow it 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 for its planning delegations, 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 the Planning Committee still has lengthy agendas, regularly including matters of a minor nature. A major factor is the arrangement for decisions to be referred to Committee if the planning officer recommends approval but the Parish Council has recommended refusal.
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 A to this report.

#### **Considerations and Options**

7. There are two key changes proposed to the scheme of delegation.
8. The first related 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 B to this 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.
13. The proposed scheme therefore sought to remove this automatic referral, but to ensure an appropriate balance between implementing national and local planning policy and the need to take proper account of local views.
14. The original consultation proposal removed the automatic referral from parish councils and replaced it with all District Council members calling in at the end of the consultation period any application to the Planning Committee, subject to the Chairman's agreement upon the planning reasons. This would have enabled local district and parish council members to work more closely together in representing local community views and but still allow a referral to committee if a scheme was felt to be particularly controversial locally.

### **Consultations**

15. The consultation period ran for a month until 28<sup>th</sup> October 2015.
16. All Parish Councils have been consulted on the proposed changes.
17. Workshops were held for SCDC Members and Parish Councils on 14<sup>th</sup> October 2015, which resulted in an alternative option of requests to the Chairman from Parish Councils, as below, and the changes were discussed with Planning Agents at the Agents Forum on 5<sup>th</sup> October 2015. One written response was received from a tree works agent.

### **Alternative Option**

18. 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. 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 planning reasons for doing this, for example, because of strong visual impact, or loss of amenity. 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 cannot be accepted. A draft of the consultation letter to parishes is attached at Appendix C for comment.

19. Members, in coming up with the proposal, were keen that the Chairman should be able to manage the agenda of Planning Committee and respond to all requests with reasons either way. Attached in Appendix D is the responses received from parishes. This shows that parishes sent in a mix of responses from those that did not want any change to those that were supportive of the alternative proposal.
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. Planning Committee considered the delegation revisions at its 4 November 2015 meeting and was supportive of the alternative option, subject to it being sent to all Parish Councils ahead of this meeting.

### **Conclusions**

22. The proposed changes are being aimed at increasing communication between officers and parishes, to help provide greater clarity over the role of district councillors and parish councils and provide a simple and robust process. It will allow Planning Committee to focus on the more significant and/or contentious cases. For these reasons it is recommended that the proposed revised scheme of delegation is 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, but replaced by more time spent on considering and responding to parish council requests for referral.
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**

1. Appendix A - Report to SCDC Planning Portfolio Holder Dated 8<sup>th</sup> September 2015 and its appendix.
2. Appendix B – Revised Scheme of Delegation
3. Appendix C – Draft revised consultation letter to Parish Councils on planning applications
4. Appendix D – Responses from Parish Councils in Alphabetical Order

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