



## **Planning Reimagined - Changes to the Scheme of Delegation to increase efficiency of the Planning Service**

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### **1. Purpose of the Report**

- 1.1 The purpose of the report is to set out the proposed changes to the Scheme of Delegation in relation to planning applications

### **2. Public Interest**

- 2.1 This report details how it is proposed that the Council's Scheme of Delegation is updated to reflect the cross-party Member's recommendations through the Planning Reimagined workshops.
- 2.2 The proposed changes will lead to benefits to the participants in the planning service, a larger number of application types will be delegated to officers, helping the planning service deliver decisions more efficiently on cases which are less likely to be controversial and contentious. The Area Committees will focus on more significant development proposals.

### **3. Recommendations**

- 3.1 The Council is asked to:
- agree the recommended changes to the Scheme of Delegation, in accordance with the recommendation of the Planning Reimagined Members working group.

### **4. Background**

- 4.1 The Council is a Local Planning Authority with responsibility for determining a range of planning applications. The majority of planning decisions are made using delegated powers. The more significant, contentious or controversial applications are referred to the relevant Committee/s for determination. The Local Member(s) have an active part to play in the process of referral.
- 4.2 When an application is referred to Committee it puts in place a process which is resource intensive. It is important that decisions are made at the appropriate level using the Area Committees or delegated. Largely this is within the gift of



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the Council to decide, hence the Constitution of the Council including a Scheme of Delegation.

- 4.3 A cross party Members working group (Planning Reimagined) was set up to support improvement within the Planning Service. The Group consisted of the following members:

Val Keitch (Leader of the Council)  
 Tony Lock (Portfolio Holder for protecting core services)  
 Peter Gubbins (Chair of Area South and Regulation Committee)  
 Adam Dance (Chair of Area North)  
 Linda Vijeh (Conservative Group Leader)  
 Neil Bloomfield  
 Nick Colbert  
 Jenny Kenton  
 Andy Soughton  
 Mike Stanton  
 Martin Wale  
 Colin Winder, who was later substituted for by Sue Osborne

- 4.4 The Planning Reimagined group looked at a number of elements of the planning service with a view to making it more efficient and effective. The output from the group was an action plan with a series of tasks, all focussed on improving the service. This paper address two of the tasks from the action plan. An extract from the plan is shown below

NUMBER	PROPOSAL	RECOMMENDATIONS FROM PLANNING REIMAGINED GROUP	PURPOSE	TIMESCALE
8	Planning Committees	Applications marked as two-star go straight to Regulation Committee	To reduce applications being considered twice and manage the expectations of the public.	November 2020 (Lead Specialist to speak to Area Chairs)
10	Scheme of delegation	Revise the scheme of delegation. To remove the need for householder application to go to Area Committees	Speed up the processing of householder applications and reduce the time spent at Area Committee's for officers	January 2021

- 4.5 During the discussion at the Planning Reimagined Workshop Members agreed that a recommendation would be made to change the Scheme of Delegation to specify that the following types of applications would be dealt with under delegated powers:

- Householder applications
- Listed Building Consent



Other types of applications/notifications were also discussed:

- Non-Material Amendments to existing applications – this decision is already delegated to the Lead Specialist for Planning (Part 3, paragraph 161, of the Constitution).
- Discharge of Conditions – this decision is already delegated to the Lead Specialist for Planning (Part 3, paragraph 168, of the Constitution).
- Prior Notification applications – this decision is already delegated to the Lead Specialist for Planning (Part 3, paragraph 168, of the Constitution).

In addition, there was discussion and agreement relating to the most significant applications:

- “Major major” applications are to be referred directly to Regulation Committee for determination.

4.6 There is a strong justification for all these changes:

- It will speed up decision making across these types of applications.
- Members on Area Committees can focus on developments that potentially have a more significant impact upon their area. It was considered by the Working Group that householder developments are sufficiently minor in nature when compared to other application types that they should be delegated to officers as a result.
- Listed Building Consent applications that aren't linked to a planning application are largely technical matters and it was considered by the working group that it was acceptable for officers, in consultation with the Council's conservation officers, to determine them.
- Major Major applications are the most significant strategic developments in the district and it was agreed that they should be considered and determined by the Regulation Committee.
- By Major majors going direct to Regulation Committee it also saves double handling of the case by officers having to present at the Area Committee and Regulation.
- Members also felt that it would be clearer for the public where decisions are made regarding major, major applications and they would only need to attend one decision meeting regarding these applications.

4.7 The District Executive agreed the recommendations in this report therefore the Council are be asked to amend the Scheme of Delegation to ensure these application types are dealt with by Officers. Members time will be focused therefore on those cases that could have more of an impact on their area.

## **5. The Constitution and Proposed Amendments**

5.1 Part 3 of the Constitution refers to the responsibility for the functions of the Council, including the decisions which the Area Committees take and the delegation available to Officers. Section 4 notes that “*most day to day decisions*”

*are delegated to Officers*"; in Planning certain decisions are delegated to the Lead Specialist and Principal Officers, and this is set out in the table in Section 6.

5.2 Section 6 includes the "Schedule of Functions Delegated to Officers". There is a specific section relating to Development Management. Paragraph 156 lists what is delegated to the Officers, and the circumstances when the decision is to be made by Committee.

5.3 It is recommended by the Working Group, and hereby proposed in this report, that the application types in paragraph 5.5 are explicitly stated as development that are delegated to Officers unless there are limited and specific circumstances; these are based on transparency and proper decision making in planning and the following points within Paragraph 156 will still apply to both householder and listed building consent applications, along with other planning matters:

*(f) The applicant is a councillor of Council.*

*(g) The applicant is a member of either Council's management team, a service manager, or is a member of either Council's staff who, in the course of their duties, has an input in to the planning application process.*

*(h) Any other application from employees of either Council may be delegated, subject to prior notification to the Monitoring Officer of the District Council.*

*(i) Any application where an employee of either Council is involved in any capacity as either agent or consultant.*

5.4 Paragraph 156 in Part 3 is proposed to be updated as follows:

The current text states "*The determination of all applications made to the District Council for planning permission, the approval of reserved matters, the display of advertisements, works to trees with Tree Preservation Orders, listed building and conservation area consents, is delegated to the Assistant Director Economy except in the following cases:*".

The revised text will state:

*"The determination of all applications made to the District Council for planning permission, the approval of reserved matters, the display of advertisements, works to trees with Tree Preservation Orders, listed building and conservation area consents, is delegated to the Lead Specialist-Built Environment except in the following cases, which, apart from points (f) to (i), do not apply to householder planning applications and applications for Listed Building Consent"*.

5.5 In the "Other Matters relating to Development Management" section an additional two paragraphs are recommended to be added:

- The determination of householder applications.



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- The determination of applications for Listed Building Consent.

- 5.6 In all cases the Area Chair, Vice-Chair and Ward Member will continue to receive notification of applications in their area, and will be able to liaise with the officer determining the application. Whilst that officer will be the primary point of contact on individual cases the Principal Planner for the area will be responsible for mediating should the situation arise.
- 5.7 Paragraph 8.03 of the Constitution states “*The Regulation Committee shall determine applications for planning permission referred from the area committees in accordance with the approved guidelines set out in part 3 of this document*”. If the recommendations in this report are agreed, then the following changes will be required:

Additional text in paragraph 8.03, which will change to “*The Regulation Committee shall determine applications for planning permission referred from the area committees in accordance with the approved guidelines set out in part 3 of this document. “Major Major” category applications will be dealt with by the Regulation Committee*”.

## 6. Financial Implications

- 6.1 There is a financial benefit to speedy determination of applications, for both the Council and for developers. From a resource perspective there is a lot of preparatory work required for Committees and delegating the less contentious applications reduces that requirement.

## Council Plan Implications

Protecting Core Services- Deliver a high quality, effective and timely service to our customers and communities.

## Carbon Emissions and Climate Change Implications

None directly linked to this report.

## Equality and Diversity Implications

There are no implications with regard to equalities and diversity.

## Privacy Impact Assessment

There are no privacy impact implications

## Background Papers

- Planning Reimagined - Outcomes from Members Working Group December 2020 District Executive