

Planning Re-imagined – Changes to the Scheme of Delegation to increase the efficiency of the Planning Service

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Purpose of the Report

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

Public Interest

2. The Council is responsible for determining arrange of development applications under the provisions of The Town & Country Planning Act 1990 (As amended) together with the Listed Buildings and Conservation Areas Act 1990 (As amended) application including a range of development consents set within the Council's Scheme of Delegation.
3. The Scheme of Delegation defines the mechanism for apportioning responsibility for decision making between the Regulation Committee, the Area Committees and therefore the decisions that are delegated to lead officers to determine on behalf of the Council
4. The Scheme of Delegation enables decisions that impact upon the wider public interest to be made in a public forum, whilst recognising that the majority of planning decisions are more straightforward and can be determined by officers.
5. The proposed changes will reduce the number of applications that are referred directly to the Regulation Committee without there being scope to review their actual importance and impact of the form of previously approved developments and projects. The changes will also clarify how the Council determines "Permission in Principle" application types for which a fixed determination period is applied. The recommendations will therefore make more effective use of committee decision making and reduce the resources required to determine more straightforward applications through the delegated route.

Recommendations

6. That Full Council make the following changes to the Constitution:-

- (i) Replace the current first paragraph of Article 8.03 with the following words:

"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. The initial submission of any "Major Major" category



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application will be dealt with by the Regulation committee". Thereafter, proposals for subsequent variations to the original permission, will be referred to the ward member(s) and Area Chairman to review whether or not the issues raised by the variation application, and the consultation responses to them, merit determination at committee. Where the proposed changes are concluded to be of a minor nature the determination of those applications will be delegated to the Lead Specialist – Built Environment." (new text underlined)

- (ii) Amend paragraph 160 of the Schedule of Functions Delegated to Officers to read as follows:

"The determination of all notifications, including applications for Permission in Principle and for Technical Details consent." (new text underlined)

Background

7. 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 either or both of the Area Committees and the Regulation Committee for determination.
8. When an application is referred for a Committee decision it puts in place a process which is very resource intensive involving interaction with Democratic Services, publication of agendas, pre-committee briefings and attendance at the committee meetings as well as drafting of minutes and subsequent approval.
9. The Planning Reimagined Members Working Group was established to identify opportunities for improvements in the planning service and to support the introduction of those improvements. One area of review related to a consideration of the benefits that derive from decision making in relation to differing decision types being taken in the public realm.
10. In 2021 this led to the Scheme of Delegation being revised to remove householder and listed building applications from being referred to the Area Committees for determination and streamlined the process for dealing with "Major Major" applications which were referred directly to the Regulation Committee to reduce the instances where such applications were effectively determined twice, firstly at Area Committee and secondly at the Regulation Committee.
11. By reason of their scale (200 dwellings or sites in excess of 2 Hectares) Major Major applications are often the subject of subsequent changes, generally submitted by way of "minor amendments" applications under S.73 of the Act. It is often the case that such subsequent minor amendments are, in themselves, not controversial or are of limited interest to consultees or to the public, however as currently drafted, the Scheme of Delegation requires them to be determined by the Regulation Committee. A frequent example of such applications is the extension of time for the operation of an already approved solar farm.
12. The Permission in Principle application type was introduced by the Housing and Planning Act in 2016 and is not formally covered by the current Scheme of Delegation. It provides



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an alternative way of obtaining permission for housing led development. The approach mirrors the outline and reserved matters route to decision making in that the permission is also in two stages, Permission in Principle, followed by Technical Details Consent. This approach is not available for major development accompanied by an Environmental Impact Assessment or development impacted by The Habitats Regulations.

13. The approach however differs from a planning application in that there is a statutory (as opposed to target) timetable for decision making which is 5 weeks from validation. Given that the application type has a 21 day consultation period and that reports for committee are required to be completed 2 weeks prior to the committee date, in practice any Permission in Principle application referred to committee would be automatically approved prior to the committee meeting itself by reason consultation period and the committee referral period taking up the full five weeks, always assuming the committee timetable coincided exactly with the expiry of the consultation period. In practice therefore any applicant using the Permission in Principle route would refuse to agree an extension of time for determination of a committee bound application in the knowledge that the scheme will be approved by default before the committee meeting.

The Constitution and Proposed Amendments

14. Article 8 of the Constitution sets out the terms of reference of Regulation Committee. Part 3 of the Constitution covers responsibility for functions and the Schedule in section 6 covers the functions delegated to Officers. Paragraphs 156 – 181 of that Schedule set out the planning decisions delegated to officers.
15. In relation to Major Major applications, in 2021 the Council agreed to re-word the first paragraph of Article 8.03 of the Constitution to read:

“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”. (New text underlined)

16. It is proposed that this Article is amplified to now read:

“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. The initial submission of any “Major Major” category application will be dealt with by the Regulation committee”. Thereafter, proposals for subsequent variations to the original permission, will be referred to the ward member(s) and Area Chairman to review whether or not the issues raised by the variation application, and the consultation responses to them, merit determination at committee. Where the proposed changes are concluded to be of a minor nature the determination of those applications will be delegated to the Lead Specialist – Built Environment.” (new text underlined)

17. Section 6 of the Scheme of Delegation, paragraph 160 delegates decision making for all notifications. (Covering notifications for Prior Approvals under the General Permitted Development Order.) This deals with time limited applications for prior approval for changes of use of land and buildings. It is proposed that this paragraph is amended to



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read “The determination of all notifications, including applications for Permission in Principle and for Technical Details consent.” (new text underlined)

Financial Implications

18. There is a financial benefit to making quicker decisions of not contentious planning applications as well as more minor development types. There is a further reduction in resource requirements where applications can be determined under delegated powers where there is no public interest in that decision being made in a public forum.

Legal implications (if any) and details of Statutory Powers

19. Power to delegate functions to officers is contained in section 101 of the Local Government Act 1972.

Council Plan Implications

20. These revisions will enable more efficient use of resources to be achieved, allowing a greater focus upon delivering the Council’s Priority Projects relating to regeneration and the delivery of key housing sites and associated infrastructure.

Carbon Emissions and Climate Change Implications

21. Nothing arising from this report.

Equality and Diversity Implications

<i>An Equality Impact Relevance Check Form has been completed in respect of the Proposal?</i>	Yes
<i>The Impact Relevance Check indicated that a full EIA was required?</i>	No
<i>If an EIA was not required please attach the Impact Relevance Check Form as an Appendix to this report and provide a brief summary of its findings in the comments box below.</i>	
<i>If an EIA was required please attach the completed EIA form as an Appendix to this report and provide a brief summary of the result of your Equality Impact Assessment in the comment box below.</i>	
Additional Comments	
<i>The revisions to the Scheme of Delegation relate to the mechanism for the assessment of a range of development application types. The issues and appraisal would not alter between the committee and delegated decision making options. Public and consultee engagement would remain the same for both decision making options.</i>	

Privacy Impact Assessment



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22. There are no privacy issues raised by this report.

Background Papers

- Appendix A – Equality Impact Assessment Check Form