

Report to: **Development Management Committee**

Date: **7 November 2018**

Title: **Planning Scheme of Delegation**

Portfolio Area: **Customer First – Cllr H Bastone**

Wards Affected: **All**

Relevant Scrutiny Committee: **Overview and Scrutiny Panel**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: **After Council 6 December 2018**

Author: **Kathryn Trant** Role: **Specialist Democratic Services**

Contact: **Kathryn.trant@swdevon.gov.uk**

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**RECOMMENDATIONS:**

**That the Committee RECOMMEND that Council approve the amended Planning Scheme of Delegation as set out in Appendix A.**

**1. Executive summary**

- 1.1 The Council has adopted a Planning Scheme of Delegation which governs the way that decisions are made in respect of planning matters, and how and when applications can be referred to the Development Management (DM) Committee.
- 1.2 The COP Lead Development Management has authority to make any minor amendments to the Scheme in consultation with the Chairman of the Committee (Minute 20/16 (j) refers), however, he has requested that a report be presented to the DM Committee in this instance for reasons of clarity.

## **2. Background**

- 2.1 The Planning Scheme of Delegation was last considered (and approved) by the Council at its annual meeting on 19 May 2016 (Minute 20/16 refers).
- 2.2 The Scheme is also reviewed as part of the Annual Review of the Constitution to ensure it remains fit for purpose. The most recent review included the process for determining Permission in Principle applications (Minute 17/18 refers).

## **3. Outcomes/outputs**

- 3.1 It has recently come to light that there may be some confusion in respect of applications to discharge planning conditions. These applications are not planning applications as defined by the Town And Country Planning Act and therefore do not fall within the remit of local Ward Members within the Scheme of Delegation.
- 3.2 Given the number of applications received to discharge conditions on a grant of planning permission, it would not be an effective use of the Committee's time for these applications to be determined by the DM Committee. As a result, the COP Lead DM has asked that a report be presented to Members to clarify that applications for discharge of conditions cannot be called to DM Committee by Ward Members.
- 3.3 Members are advised that, given a recent court ruling, officers are now preparing records of decisions on discharge of conditions applications that will be publicly available. It is important to note that, in cases where the discharge of conditions application is of district wide significance, or is related to an application by a Ward Member or member of staff, the application for discharge of conditions should be presented to the DM Committee, in line with para 1.1 in the Planning Scheme of Delegation.
- 3.4 For the avoidance of doubt, when Ward Members are advised of applications for discharge of conditions being received, the local Town and Parish Council Clerk will also be notified.
- 3.5 The recommended updated Planning Scheme of Delegation is outlined at Appendix A, with the suggested amendments highlighted by track changes.

#### 4. Options available and consideration of risk

- 4.1 The Council must have a Planning Scheme of Delegation and providing clarity by making reference to applications for discharge of conditions will remove the risk of misunderstanding.

#### 5. Proposed Way Forward

- 5.1 The Planning Scheme of Delegation sets out the parameters for decision making in respect of planning matters. Currently, the lack of reference to applications for discharge of conditions could cause confusion.
- 5.2 The amended scheme, as shown at Appendix A, gives clarity and therefore should be recommended to the Council for adoption.

#### 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Council is required to have a Delegation Scheme setting out the roles and responsibilities of Council, its Committees and its officers. These are set out in Part 3 of the Council's Constitution.</p> <p>In addition to the Delegation Scheme set out in the Constitution, the Council has previously agreed further detail in relation to how the Council decides its Development Management and Planning Enforcement functions, and it is this delegation which Members are being requested to review.</p> <p>The full Council must make the final decision on the scheme to be adopted.</p>
Financial	Y	There are no direct financial implications arising from this report
Risk	Y	This is addressed in the body of the report
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	There are no equality and diversity implications directly related to this report.

Safeguarding	N	There are no safeguarding implications directly related to this report.
Community Safety, Crime and Disorder	N	There are no community safety or crime and disorder implications directly related to this report.
Health, Safety and Wellbeing	N	There are no health, safety and wellbeing implications directly related to this report.
Other implications	N	N/A

### **Supporting Information**

#### **Appendices:**

Appendix 1: Planning Scheme of Delegation

#### **Background Papers:**

None.