

Report to: **Development Management and Licensing Committee**

Date: **13 November 2018**

Title: **Planning Scheme of Delegation**

Portfolio Area: **Customer First – Cllr A Roberts**

Wards Affected: **All**

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

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

Date next steps can be taken: **After Council 4 December 2018**

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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 and Licensing (DM&L) Committee.
- 1.2 The COP Lead Development Management has authority to make any minor amendments to the Scheme in consultation with the Chairman and Vice Chairman of the Committee (Minute CM 61 refers), however, he has requested that a report be presented to the DM&L 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 meeting on 5 April 2016 (Minute CM 61 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 CM 8 refers).
- 2.3 The minute reflecting the discussion on Permission in Principle applications reads as follows:

*(a) 'Permission in Principle' (PiP) applications. The need to update the Planning Scheme of Delegation to reflect the fact that the 'PiP Regulations came into effect on 1 June 2018 was noted. In light of these Regulations only allowing five weeks to determine a PiP application, officers were recommending that, whilst Members could refer the Technical Details Consent aspect to the Development Management and Licensing Committee, they would not be able to refer a PiP application.*

*A number of Members were not willing to support this proposal and considered it important that, initially on a temporary basis, they retained the ability to call PiP applications to Committee. Whilst fully aware of the challenging timeframe within which PiP applications must be determined, these Members were hopeful that government guidance would be forthcoming to underpin the Regulations.*

*As a consequence of the strength of views expressed, a revised draft Planning Scheme of Delegation was tabled to the meeting that proposed that PiP applications could be called to Committee. On the basis that the impact of this tabled version would be reviewed within the next six months, approval of this document was moved and seconded and when put to the vote was declared **CARRIED.***

### **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&L 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&L 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 borough 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&L 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 In respect of 'Permission in Principle' applications, the COP Lead's view is that the number of applications received has not been significant enough to warrant a change to the way these applications are treated, as set out in the Planning Scheme of Delegation. Therefore, it is recommended that the Scheme of Delegation be revised, only to remove reference to 'on a temporary basis'.
- 3.6 Should the position change in respect of volume of applications received, the Scheme of Delegation can be revisited.
- 3.7 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.