

Report of	Assistant Director: Policy & Corporate	Author	Andrew Tyrrell
Title	Changes to the Scheme of Delegation		
Wards affected	All Wards		

This report concerns two minor changes to the Scheme of Delegation to clarify one category of delegated powers. This is to remove reference to “Conservation Area Consents” which no longer exist, and to allow the refusal of applications where a s106 agreement is required, but is not being provided by the applicant(s), without referral to the Planning Committee.

1. Decision(s) Required

- 1.1 To change the wording of criteria 1(d) that is already delegated from the Planning Committee to the Assistant Director – Policy and Corporate in the existing Scheme of Delegation by removing the struck through bold text below and adding in the bold underlined text as follows:

“1. The determination of all planning applications irrespective of scale and size (including changes of use and all applications for Listed Building Consent, ~~Conservation Area Consent~~, Certificates of Lawfulness, applications for the determination as to whether prior approval is required, consent to display advertisements and other notifications) except any application:

(a) ...

(b) ...

(c) ...

d) which constitutes a major application, that is recommended for approval and where a section 106 Agreement is required (excluding unilateral undertakings);

(e) ...”

- 1.2 For confirmation, no other changes would be made to criteria a, b, c etc.

2. Reasons for Decision(s)

- 2.1 This change to the Scheme of Delegation is requested to update the Scheme to reflect the cessation of Conservation Area Consents as an application type, and to allow applications that are being refused (but where a s106 would have been required) to be refused without delay.

- 2.2 At present, the wording of criteria (d) does not allow for any interpretation or flexibility. The purpose of ensuring that s106 agreements can only be approved as part of a planning permission granted through the Committee are obvious, with money normally being paid to the Council and the greater need for this to be completely transparent and also not down to one or two officers.

- 2.3 However, the way the Scheme is worded, officers are also not allowed to refuse any application where a s106 agreement “is required”, including those which are unacceptable. That may be either because the applicant refuses to enter into that agreement and pay obligation to mitigate their impact required by policy, or may be for unrelated reasons such as poor design, highway safety, contamination, noise etc.
- 2.4 It is suggested that where no planning permission is being granted, and therefore no money would change hands between involved parties, then the need for this decision to come before Committee is diminished if the application would not be acceptable anyway. In such circumstances, it is considered that the application should be refused under delegated powers because it does not meet the Councils policies.

3. Alternative Options

- 3.1 The alternative options are to retain the wording as it is now.

4. Supporting Information

- 4.1 Members of the Committee will be familiar with the Scheme of Delegation already, however copies of this can be found on the Councils website. The latest version is from August 2017.

5. Proposals

- 5.1 To change the current wording as set out in section 1.1 of this report.

6. Standard References

- 6.1 There are no particular references to the Strategic Plan; publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety or risk management implications.