

Rother District Council

Report to: Planning Committee

Date: 14 April 2022

Title: Proposed changes to the scheme of delegation and establishment of a Planning Consultation Group

Report of: Myles Joyce

Ward(s): All

Purpose of Report: The purpose of this report is to propose changes in the scheme of delegation for certain planning applications which currently are determined at Planning Committee and whether they are more appropriately dealt with under delegated powers

Officer

Recommendation(s): It be **RESOLVED:** That:

- 1) the Officer scheme of delegation in respect of the Planning Service be amended by requiring all non-Major applications that are automatically determined by Planning Committee to be discussed at a Planning Consultation Group of Members and officers organised by the Development Management Service;
- 2) the Planning Consultation Group be established and comprise of the Chair of the Planning Committee (or Vice-Chair in their stead) and two other members to be chosen by rota, the Development Manager (or Area Team Leader(s) in their stead) and where appropriate the case officer(s) in a presentational capacity;
- 3) the Planning Consultation Group shall determine only whether the said applications will be dealt with by Planning Committee or more appropriately returned to officers to decide under delegated powers;
- 4) nothing in these recommendations shall affect the local Members' right of call in;
- 5) a list of such applications and the outcome of the Planning Consultation Group's decisions be reported to the next scheduled Planning Committee; and
- 6) the Council's Constitution be amended accordingly.

Introduction

1. The proposed amendment is to allow for the type of non-Major scheme applications which automatically are determined by Planning Committee under the scheme of delegation to go before a Planning Consultation Group

(PCG) which will consider and determine the most appropriate means of determining the planning application(s) before them.

2. Major applications are defined as for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of one hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015. This is set out in Appendix 2 of the National Planning Policy Framework 2021.
3. Such applications are those which are submitted by officers, elected members or their relatives of said officers or members as well as applications by the Council and applications on Council-owned land.
4. The PCG will comprise of the Chair of the Planning Committee (or Vice-Chair in their stead) and two other members to be chosen by rota, the Development Manager (or Area Team Leader(s) in their stead) and where appropriate the case officer(s) in a presentational capacity.
5. Whilst it is expected that there will be one such meeting to be held on the Monday prior to the deadline for submission of Committee reports for each Committee cycle, it is anticipated that on occasion more than one meeting per cycle may be required.
6. A list of applications before the PCG and the agreed method of determination will be reported to the next scheduled Planning Committee for information. There will be no opportunity for the Planning Committee to change the recommendation of the PCG.
7. The proposal is considered to be a cost and time effective way of considering the above applications and the most appropriate method of determination. It is anticipated that several items which, would automatically be before Planning Committee, at present, could be dealt with under delegated powers allowing Planning Committee resources to focus on more complex and or controversial cases.
8. The PCG shall bestow voting rights for Members with officers' present in an advisory role only. The PCG will only consider whether the items go to Committee or can be dealt with under delegated powers and have no other decision-making purpose.
9. The quorum shall be three and the chair shall have casting vote where difference of opinion between members or any abstentions.
10. That the proposed amendments do not impinge upon the existing call-in rights of Members nor any other Member right in relation to the determination of planning applications.

Conclusion

11. It is considered that the proposed revisions to officer delegation scheme would be a resource effective way to streamline the Planning Committee procedure and its outcomes would be made public via a list.
12. In accordance with Article 15 – Review and Revision of the Constitution, 15.3 Changes to the Constitution, as this matter is in connection with officer delegations that flow from the Planning Committee, this matter does not require full Council approval.

Financial Implications

13. No additional financial implications identified.

Legal Implications

14. Amend the delegation scheme in the Constitution.

Risk Implications

15. Failure to revise the Constitution to simplify the planning delegation system will mean a continuation of a less efficient system adding continuing pressure on an already over stretched planning department.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

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Appendices:	N/A
Relevant previous Minutes:	N/A
Background Papers:	N/A
Reference Documents:	N/A