

## **ANNUAL COUNCIL MEETING**

**4 MAY 2021**

### **PLANNING SCHEME OF DELEGATION**

#### **1.0 Purpose of Report**

1.1 To seek approval from Council to make some amendments to the Planning Scheme of Delegation, as set out in the Council's Constitution.

#### **2.0 Background Information**

2.1 The Planning Scheme of Delegation (SoD) sets out which planning applications should be decided by Planning Committee, and which should be dealt with via delegation to Officers.

2.2 Some revisions were made to the SoD in late 2019 with the aim of reducing the number of applications referred to Planning Committee for consideration. Prior to these revisions, the volume of planning applications referred to Planning Committee for consideration had become unmanageable, with extra meetings being convened on a regular basis.

2.3 The principle change to the SoD was to remove the automatic presentation of minor applications to Planning Committee when the Officer recommendation did not align with the Town/Parish Council response. Instead, where this situation arose in relation to minor applications for 1-9 dwellings, the view of the Local Ward Member was sought. If they wished to refer the application to Planning Committee, this request would be considered by a Panel, and then by the Chief Executive on appeal if the Local Ward Member was not satisfied with the outcome.

2.4 It was agreed that a review would take place 12 months after these revisions were implemented. That review has now been completed, and the findings considered by Planning Committee.

2.5 It was reported to Planning Committee that the process has brought frustration to a number of Councillors, and that in some cases it has added a significant time to the decision-making process. It was also reported that the number of applications presented to Planning Committee during 2020 have been fewer. The Covid-19 Pandemic may have been an influencing factor, but the report concluded that the reduction in numbers was principally a result of the amendments to the SoD.

2.6 In light of the findings, at its meeting of 2 March 2021, Planning Committee agreed that some amendments to the SoD, should be referred to Full Council for approval. The aim of the proposed changes is to achieve a more satisfactory balance between the volume of applications being referred to Planning Committee, and Councillors having confidence that arrangements enable them to sufficiently represent ward members.

#### **3.0 Proposals**

3.1 It is proposed that the SoD be amended to provide for applications for minor applications for 1-9 dwellings to be referred to the Local Ward Member where the Officer recommendation is for approval and the Town/Parish Council has objected. If the Local

Ward Member requests it, the matter will be referred to Planning Committee for determination. Where the Officer recommendation is for refusal and the Town/Parish Council has objected, it is considered that, because the statutory right of appeal is available to applicants, the ability to refer to Planning Committee is not needed.

3.2 It is also proposed that the SoD be amended to state that: -

- any Local Ward Member referrals include a statement outlining material planning reasons for the application to be considered by Planning Committee, and
- a list of related Development Plan policies and national planning policies.

3.3 In relation to the above, training and advice will be made available to Councillors, in order to assist them in effectively representing their constituents.

3.4 A few matters in the SoD would benefit from clarification. It is therefore proposed to make some further minor amendments at this time. These include clarification that the following matters are delegated to Officers: -

- Minor drafting amendments to conditions or reasons for refusal following decision by Committee. This is to ensure conditions meet statutory the tests for being imposed, or provide precise and robust reasons for refusal using the appropriate technical terminology,
- Amendments to the Non-Designated Heritage Asset list (once adopted)
- Applications submitted by the Council for an extension or other alteration affecting its housing stock
- Refusals for major applications as a result of a statutory consultee objecting, when the Town or Parish Council support the proposal

3.5 The proposed drafting amendments are set out in the **Appendix** to this report.

#### **4.0 Financial Implications (FIN21-22/3086)**

4.1 There are no direct financial implications arising from this report.

#### **5.0 RECOMMENDATION**

**That the amendments to the Planning Scheme of Delegation set out in the Appendix to the report be approved.**

#### Background Papers

Report to Planning Committee 2 March 2021 –

<https://democracy.newark-sherwooddc.gov.uk/documents/s10159/Review%20of%20the%20Scheme%20of%20Delegation%20v2.pdf>

<https://democracy.newark-sherwooddc.gov.uk/documents/s10160/Review%20of%20Scheme%20of%20Delegation%20-%20Appendix%201.pdf>

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