

**REPORT OF THE HEAD OF PLANNING AND REGENERATION**

**SCHEME OF DELEGATION TO THE HEAD OF PLANNING AND REGENERATION**

**Cabinet Holder** Cllr Richard Chesterton  
**Responsible Officer** Head of Planning and Regeneration

**Reason for Report:** To update the current scheme of delegation to the Head of Planning and Regeneration in order to provide clarity over the appropriate decision making route for Conservation Area policy related work.

**RECOMMENDATION:**

**That the scheme of delegation to the Head of Planning and Regeneration be amended in order to delete reference to the designation of new or amendment of existing Conservation Area boundaries from the conservation section and that this section read as follows:**

**In the case of Conservation:**

- 1. It requires the issue of repair and urgent work notices.**
- 2. It involves the submission of funding bids or schemes that have budgetary implications.**

**Relationship to Corporate Plan:** Planning decision making is relevant to key objectives within the Corporate Plan.

**Financial Implications:** None.

**Legal Implications:** Updating and clarification of authority in the manner suggested will reduce the risk of legal challenge based on the decision making process. The proposed change is in line with a report on this matter due to be considered at Cabinet on 2<sup>nd</sup> July 2015.

**Risk Assessment:** Clarification of delegated authority through the changes recommended will reduce risk of challenge and align the decision making route for conservation policy relating to Conservation Areas with that for other planning policy work.

**Consultation carried out with:** None.

**1.0 INTRODUCTION.**

- 1.1** The current scheme of delegation to the Head of Planning and Regeneration was agreed by Planning Committee at the meeting of 2<sup>nd</sup> April 2003, was amended at later meetings and most recently in March 2015. It sets out the powers of the Local Planning Authority that are delegated to the Head of Planning and Regeneration. These powers can be exercised by the

postholder and are authorised by the Planning Committee. A copy of the current scheme of delegation is attached at **Appendix 1** to this report.

1.2 At the meeting of Council on 11 January 2012 it was agreed that planning policy would no longer be determined by Planning Committee, but instead by Cabinet. The Planning Policy Advisory Group (PPAG) was set up as a working group to discuss planning policy and make recommendations to Cabinet. At the 22 March 2012 Cabinet meeting consideration was given to which policy documents would be appropriate to be considered at which forum. It was resolved that the decision making arrangements set out in **Appendix 2** be adopted.

1.3 Since the consideration of which planning policy related work would be taken through a Cabinet decision making route via PPAG, an anomaly has come to light relating to conservation policy and in particular the designation of new Conservation Areas and amendments to the boundary of existing Conservation Areas. These aspects of conservation policy are specifically referred to in the scheme of delegation from this Committee to the Head of Planning and Regeneration and at present require consideration by Planning Committee. This is at odds with other planning policy work.

## 2.0 **CONSERVATION AREA POLICY WORK.**

2.1 At the time that Cabinet considered the decision making route for planning policy issues, there had not been any changes to conservation areas for some time. As a result it was omitted from report taken to the March 2012 Cabinet meeting. Following the recent work on Conservation Area appraisals it has come to our attention that the scheme of delegation should be amended to incorporate Conservation Area decision making within the Cabinet decision route. Currently the approval process is the responsibility of Planning Committee.

2.2 It is recommended that, in order to be consistent with the decision making process for other policy documents, the determining body for Conservation Area policy work should be Cabinet with PPAG making recommendations. This proposed change was considered at the meeting of the PPAG on 17<sup>th</sup> June 2015 and agreed. The proposals are set out in the following table and are due to be considered at the meeting of Cabinet on 2<sup>nd</sup> July 2015.

Type of Policy	Advisory Group	Cabinet	Council for approval of submission document or adoption	Requires separate meeting of Cabinet in each of the main three towns
Conservation Area Appraisals (Changes to Conservation Area Boundaries Proposed)	Yes	Yes	Yes	No
Conservation Area Appraisals (Technical assessments with no boundary changes proposed)	Yes	Delegated approval by the Head of Planning, Ward Member(s) & Cabinet Member (P&R).		No

### 3.0 THE PROPOSED CHANGE TO THE SCHEME OF DELEGATION.

- 3.1 The recommendation within this report deals only with the approved scheme of delegation from Planning Committee to the Head of Planning and Regeneration. This includes the following provision which currently requires these matters to come before this Committee :

#### **In the case of Conservation:**

- 1. It involves the designation of new, or amendment of existing Conservation Area boundaries.**
- 2. It requires the issue of repair and urgent work notices.**
- 3. It involves the submission of funding bids or schemes that have budgetary implications.**

The following amendment is proposed which deletes the first item and renumbers the two remaining:

#### **In the case of Conservation:**

- 1. It requires the issue of repair and urgent work notices.**
- 2. It involves the submission of funding bids or schemes that have budgetary implications.**

- 3.2 This change will provide clarity and consistency by aligning the decision route for conservation area policy work with other planning policy.

<b>Contact for any more information</b>	Head of Planning and Regeneration Mrs Jenny Clifford 01884 234346
<b>Background Papers</b>	Scheme of delegation to the Head of Planning and Regeneration Cabinet reports of 22 <sup>nd</sup> March 2012 and 2 <sup>nd</sup> July 2015 Council report 11 <sup>th</sup> January 2012
<b>File Reference</b>	None.
<b>Circulation of the Report</b>	Cllr Richard Chesterton. Members of Planning Committee