

Review of Scheme of Delegation & Proposals for Member Engagement

Executive Summary

Background

The last review of the Scheme of Delegation was undertaken in 2015. As part of that review, it was agreed that the scheme should be subject to regular review. Following consultation with Senior Officers within the Planning team, it is considered that the current Scheme of Delegation should be revised as it has not led to Planning Committee being able to solely focus on the most significant planning applications in the District and is considered to be unduly complex. It is also considered that the current Scheme of Delegation is contributing to delays in decision-making and impacting upon Service delivery.

Objectives

The review is being undertaken for three main reasons:

1. To ensure that Members of the Council's Planning Committee are focused on the determination on the most significant and complex applications, namely those which affect the way the District will grow; and have a higher level of public interest;
2. To ensure the Council is able to discharge its Development Management function in an efficient, cost effective, and timely manner so we are able to meet Government and BDC performance targets;
3. To introduce a mechanism to allow for meaningful engagement with Members of the Council's Planning Committee at the pre-application and application stage, prior to the determination of the application.

Revised Scheme of Delegation

The proposed revised Scheme of Delegation is included within **Appendix 1**. The key changes can be summarised as follows:

- Discard 'Part A' and 'Part B' of the Planning Committee Agenda. All applications on the Planning Committee Agenda would be presented by Officers and debated by Members (no applications would be considered 'en-bloc').
- All 'Major' applications would be reported to Planning Committee for determination.
- Repurpose Chair's Briefing Process to provide greater oversight for larger 'Minor' applications for new residential development for 3-9 new homes where Parish/Town Council view is contrary to Officer recommendation and/or proposal is subject to Member 'Call In' to determine whether the application should be referred to Planning Committee for determination.

- With the exception of the above, the following would all be determined under delegated powers:
 - 'Minor' applications for new commercial development, and residential development for 1-2 new homes (including applications for replacement dwellings, and agricultural workers dwellings);
 - All Section 73 applications to vary or remove planning conditions, including those seeking minor material amendments; and
 - 'Other' applications (including applications for householder extensions, and applications for listed building consent and advertisement consent).

The revised Scheme of Delegation seeks to achieve the following key outcomes:

- A prescriptive, unambiguous and transparent Scheme of Delegation that is easy to understand for all users of the planning system.
- Ensures Members of the Planning Committee are focused on the most significant and complex applications.
- An efficient and timely procedure for determining planning applications.

Member Engagement in the Planning Process

By adjusting the Scheme of Delegation in this way, it would also be possible to enable proposals to be introduced to enhance Member engagement in the planning process. Specifically, the creation of a 'Members Forum' where applicants and agents would have the ability to present their proposals to Members of the Planning Committee at pre-application, pre-submission and application stage of the process.

If the proposals are approved, the 'Members Forum' would be open to Parish and Town Council's and Local Ward Members to attend.

It should be noted that the Members Forum would be a way for Members to enhance their understanding of the proposals they have before them. It is not a decision making forum. This aspect of the proposal seeks to achieve the following key outcomes:

- Ensures meaningful engagement with Members, Local Ward Members and Parish/Town Councils in applications prior to their determination.
- Would enable applicants, agents, and Officers to understand issues of concern and how the proposals could be improved to address them.
- Strengthens Officers ability to negotiate positive changes to proposals.
- Members would have a greater level of confidence in how proposals have evolved through the planning process.

APPENDIX 1: PROPOSED REVISED SCHEME OF DELEGATION

A. Applications to be referred to Planning Committee for determination (Notwithstanding Town / Parish Council representation or Member Call In):

- Major Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for residential development comprising 10 or more proposed houses or commercial development comprising floorspace of 1,000sq.m, including any linked application for Listed Building Consent¹.
- Major or Minor Planning Applications for Renewable Energy Schemes, including solar, wind and bioenergy projects, and proposals for Anaerobic Digestion Plants.
- Where the Applicant is Braintree District Council.
- Where the Applicant is an employee or Member of Braintree District Council.
- Where the Applicant or Agent is related to an employee within the Planning Department (Development Management or Planning Policy) (change from Braintree District Council²) or a Member of Braintree District Council.
- Any application which is deemed to be 'significant' by the Planning Development Manager.

B. Applications which can be determined under Delegated Powers which may be subject to referral to Chair's Briefing as a result of Town / Parish Council representation or Member Call In:

- Minor Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for residential development comprising 3-9 proposed houses, including any linked application for Listed Building Consent, **Unless**:
 - Either the Town or Parish Council's view is contrary to the Officer Recommendation;
 - Or the application has been 'Called In' for determination by a BDC Councillor by the end of the specified consultation period and is accompanied by planning reasons for why the application should be referred to Planning Committee for determination.

Then:

The application shall be referred to Chair's Briefing, with the Chair and Vice Chair of the Planning Committee, who will consider whether the application should be referred to the Planning Committee for determination, except if a previous application for the same or substantially the same application site has been refused planning permission under Delegated Powers or by the Planning Committee where the proposal is deemed to be 'similar' to the previously determined application by the Planning Development Manager.

¹ For Members information only, currently the Government define a major residential development to be 10 units or more or sites 0.5ha or more and for non-residential development is where additional floorspace of 1,000sq.m or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015, **however for the purposes of the Scheme of Delegation only the 10 units or more and 1000sq.m floorspace thresholds will be utilised to define a Major Planning Application and not the site area definitions.**

² We currently have one agent who is related to a Member of BDC staff and as a result, all of his applications are reported to Planning Committee.

**C. Applications which can be determined under Delegated Powers
(Notwithstanding Town / Parish Council representation or Member Call In):**

- Minor Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for residential development comprising 1-2 proposed houses, including any linked application for Listed Building Consent.
- All Section 73 applications to vary or remove planning conditions, including those seeking minor material amendments, associated with any previous consent (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for 'Major', 'Minor', or 'Other' Planning Applications.
- Minor Planning Applications for replacement dwellings.
- Minor Planning Applications for agricultural workers dwellings (temporary or permanent).
- Minor Planning Applications for any other commercial development or change of use.
- All of the following Application Types:

Application Type	Description
ADV	Applications for Advertisement Consent
AGR	Agricultural Prior Approval
ALT	Certificate of Alternative Appropriate Development
AREM	Agricultural Reserved Matters
CLPLB	Certificate of Lawfulness for Works to a Listed Building
COMPA	Commercial Extensions Prior Approval
COUPA	Applications for Prior Approval (All)
DAC	Application for Approval of Details reserved by condition following grant of planning permission or a listed building consent
ECCDAC	Consultation on Essex County Council Discharge of Conditions Applications
ELD	Application for a Certificate of Lawfulness for an Existing Use or Development
FPO	Footpath Order
GOV	Development by Government Department
HDG	Hedges
HH	Householder Application for Planning Permission
HHPA	Householder Extensions Prior Approval
LBC	Application for Listed Building Consent for alterations, extensions or demolition of a listed building
LDOCC	Local Development Order Compliance Checklist
NMA	Application for a Non-Materials Amendment following a grant of planning permission
OHL	Overhead Electricity Lines

P14JPA	Prior Approval – Part 14, Class J
P3RNOT	Notification – Part 3, Class R
PDEM	Prior Approval for Demolition
PIP	Permission In Principle
PLD	Application for a Certificates of Lawfulness for a Proposed Use or Development
S106A	S106A to modify or discharge S106
SCO	EIA Scoping Opinion
SCR	EIA Screening Opinion
T56	Telecoms 56 Day Notification
TDC	Technical Details Consent
TEL	Telecommunications General
TMPCOU	Temporary Change of Use
TPO	Works to Protected Trees (subject to a TPO)
TPOCON	Works to Trees within a Conservation Area

- Consultation Responses which can be determined under Delegated Powers, following referral to the Cabinet Member for Planning:

Application Type	Description
ECC	Consultation on Essex County Council Applications ³
ODC	Out of District Consultation

³ As the majority of these applications are for smaller scale development, Development Management could notify the Cabinet Member for Planning on receipt of the consultation and await confirmation of whether a response could be issued by Officers, or if a draft response should be prepared for review and approval, prior to issue.