

Committee(s):	Date(s):	
Planning & Transportation	15 December 2014	
Subject: Delegation of Powers to Officers in relation to S106 Agreements relating to schemes otherwise within Officer delegated powers.	Public	
Report of: Chief Planning Officer and Director of the Department of the Built Environment	For Decision	
<u>Summary</u>		
<p>The Court of Common Council has delegated to Planning and Transportation Committee responsibility for the City's local planning authority functions. To facilitate the carrying out and administration of these functions, some of them have been delegated down to Chief Officers as set out in the Scheme of Delegations approved by Court of Common Council on 1 May 2014. Recent changes due to the introduction of CIL have given rise to further delegation issues.</p>		
Recommendations		
That,		
<ul style="list-style-type: none"> a) the amendment to the Scheme of Delegations in respect of local planning authority functions as set out in paragraph 7 and 8 of this report; and b) delegated authority be given to the Director of the Built Environment, and/or the City Planning Officer and/or the Assistant Director (Development) to determine applications to discharge requirements and approve details pursuant to the Thames Tideway Tunnel Development Consent Order and other similar Development Consent Orders, and to discharge conditions and approve details pursuant to deemed planning permission granted by Transport and Works Act Orders and statutes in respect of infrastructure projects [subject to the applications being in accordance with policy, not being of broad interest, and there being no more than 4 planning objections. 		

Main Report

Background

The Court of Common Council has delegated to Planning and Transportation Committee responsibility for the City's local planning authority functions. To facilitate the carrying out and administration of these functions, some of them have been

delegated down to Chief Officers as set out in the Scheme of Delegations approved by Court of Common Council on 1 May 2014. Recent changes due to the introduction of CIL have given rise to further delegation issues

Current Position

In July 2014 the City of London Corporation adopted its Community Infrastructure Levy 'CIL'. As a result there were a number of consequential changes to the City's policy in relation to the collection of S106 monies and to the thresholds which trigger payment.

1. Infrastructure matters are now dealt with through CIL and S106 covenants are limited to training and skills, affordable housing, site specific mitigation and any other matters.
2. The thresholds where S106 covenants are applicable have been reduced in line with the Mayor of London's Crossrail Supplementary Planning Guidance (SPG) so that it becomes payable on an increase in floor space of 500 m2 whereas previously the trigger was an increase on a minimum of 2,000 m2 on floor space of 10,000 m2 and residential development where it delivers 10 or more housing units.
3. At present there is no officer delegation to approve S106 covenants without reference to the Committee.
4. The lower thresholds mean that cases which would otherwise be dealt with under delegated authority cannot now be delegated because the lowered threshold for S106 covenants means that committee authority must be obtained to enter into the S106 covenants.
5. There are now other applications which are suitable for delegation except for the fact that they trigger a S106 covenant.

Proposals

6. In order to avoid delays and a possible need for more committee meetings it is proposed that those applications that could previously have been dealt with under delegated powers but are now no longer able to be dealt with in this way continue to be dealt with under delegated powers even though they trigger S106 covenants.
7. It is proposed that Section A, item 60 in the scheme approved by Common Council on 1 May 2014 be amended to include the additional words underlined, as follows: "To agree minor variations to agreements pursuant to sections 106 and 106A of the Town and Country Planning Act 1990 and to authorise section 106 covenants in respect of planning applications (and where the planning application is such that it may be determined by the Chief Officer (or other appropriate officer authorised by him) under this Scheme of Delegation)".
8. Should the S106 covenant not be in substantial compliance with your policy the application would not be determinable under the existing delegated authority as it would breach policy and consequently would fall outside the proposed additional delegation. It would therefore be reported to your Committee for decision.
9. An annual report will be presented to your Committee advising you of the annual sum negotiated.

Corporate & Strategic Implications

10. This proposal links the following themes of the City Together Strategy: is competitive and promotes opportunity; supports our communities; protects, promotes and enhances our environment; is vibrant and culturally rich; is safer and stronger.

Consultees

The Town Clerk, the Chamberlain and the Comptroller & City Solicitor have been consulted in the preparation of this report and their comments have been incorporated.

Conclusion

11. To ensure that the City can expedite planning decisions which the Committee has hitherto delegated it is recommended that Committee delegates to appropriate officers of the Department of Built Environment authority to enter into section S106 covenants in the circumstances where but for the S106 covenant the decision would otherwise be delegated to officers.

Recommendation

12. That the Committee agrees to the amendment to the Scheme of Delegation.

Background Papers:

Appendix

Planning & Transportation Committee report 4 February 2014 Corporate Governance – Scheme of Delegations and Standing Orders, of the Town Clerk at pages 193-197

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