

<b>Report to</b>	Planning applications committee	<b>Item</b>  <b>4</b>
	23 April 2020	
<b>Report of</b>	Director of place	
<b>Subject</b>	Temporary proposed review of the scheme of delegation	

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## **Purpose**

This report proposes to amend, temporarily, the committee's current scheme of delegated powers that enable certain applications to be determined at officer level without referral to committee, in response to the current government advice on public gathering in light of the coronavirus and to the redeployment of staff required to deliver the council's response to the pandemic.

## **Recommendation**

To approve for use with immediate effect the changes to the scheme of delegation as set out in the 'Proposal' section of this report and at Appendix B.

## **Corporate and service priorities**

The report helps to meet the corporate priorities of great neighbourhoods, housing and environment, people living well and inclusive economy.

## **Financial implications**

There are no direct financial implications arising from this report. However, if the recommendation is accepted it will minimise the resource needed to take legally robust planning decisions and thus free up an element of resource for redeployment to other priorities.

**Ward/s:** All wards

**Cabinet member:** Councillor Stonard, cabinet member for sustainable and inclusive growth

## **Contact officers**

Graham Nelson, Director of Place	01603 212530
David Parkin, Area Development Manager	01603 212505
Mark Brown, Area Development Manager	01603 212542

**Background documents** - None

# Report

## Background

1. In October 2019, the committee approved the current scheme of delegation that enables decisions to be determined at officer level without referral to committee, this is reproduced at Appendix A. That scheme of delegation allowed for applications for planning permission to be approved and for tree preservation orders to be confirmed by officers unless certain criteria are met. The criteria relate mainly to the number of objections received.
2. In response to the unprecedented situation that the country faces with the spread of the coronavirus, the planning applications committee met (via teleconference) on 30 March to consider a temporary amendment to the scheme of delegation. The amendment proposed that all decisions that would otherwise have been made at committee should, instead, be referred to the chair, or in the absence of the chair, to the vice-chair of the planning applications committee. The chair or vice-chair would then be able to decide whether to allow officer's to determine under the new delegated powers or whether a committee meeting was necessary to determine the application.
3. On 30 March 2020, the committee approved the revised scheme of delegation by a majority vote, with an amendment to cover resubmissions of schemes on a site where the officer recommendation was over-turned by the committee. The proposed and current scheme of delegation (as of 30 March 2020) is set out at Appendix B, with the amendment at A.(5).
4. The revised scheme of delegation was in response to government measures that continue to aim to delay the spread of the disease by, in part, limiting contact between individuals. The earlier scheme of delegation allowed for members of the public to attend any planning applications committee held, which runs contrary to that advice and places members of the public, committee members and council officers at risk.
5. On 4 April 2020, the "Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings((England and Wales) Regulations 2020 came into effect. These regulations set out specific and robust guidelines to allow councils to set up remote meetings using various technology, including conference calls and video conferences.
6. The committee meeting held on 30 March 2020 meeting was not carried out under the above regulations. On the advice of the monitoring officer, the planning applications committee is being asked to consider the amendments to the scheme of delegation in an environment that accords with the 2020 regulations in order to avoid the risk of any challenges to decisions made under the amended scheme.

## Proposal

7. Notwithstanding the introduction of the 2020 regulations, the proposal before the members remains the same as that previously agreed on 30 March, i.e. to amend the scheme as set out in Appendix B and allow the use of wider delegated powers.

8. The government has made clear in messages from the Chief Planning Officer to Chief Executives that it is important to keep the decision making process going through this time of international crisis so as to minimise, as far as is possible, the impact upon the economy. However, the council is also responsible for implementing many of the aspects of the response to the COVID19 crisis, including but not limited to, delivering food parcels to vulnerable people, housing the homeless and processing emergency grants to businesses. Delivering the COVID19 response has meant that some planning officers and colleagues who support the planning process (administrative officers and internal consultees) as well as those who support the committee process have been re-deployed to other tasks.
9. Consequently, arranging virtual planning committee meetings would place an increased strain on staff resources, diverting them away from the normal workings of the planning system and, more importantly at the moment, from assisting with the Council's COVID19 response efforts. It is for this reason, as well as to avoid the risks to the public, councillors and staff of having to hold physical meetings, that the scheme of delegation outlined at Appendix B is the favoured way forward through the current situation.
10. It is proposed that this modification is temporary, officers will review the ability to amend this on a monthly basis or earlier if and when lockdown restrictions are lifted by government. When it is possible to hold a physical meeting the scheme of delegation will be the first item on the agenda and any items that would have been reported under the former scheme of delegation will be scheduled for that meeting.

## **APPENDIX A – Current scheme of delegation**

### **A. Planning applications, conservation area applications, listed building applications and hazardous substances consent applications**

All applications will be determined by the area development managers with the exception of the following:

(1) approval of major<sup>[1]</sup> planning applications if:

- (a) subject to one or more objection raising material planning issues provided that said objections are received within the statutory consultation period or, in the case of revised plans, any subsequent formal consultation period; or
- (b) the proposal would represent a serious departure from the development plan.

(2) approval of non-major<sup>[2]</sup> applications if:

- (a) subject to two or more objections from neighbours and/or other third parties citing material planning issues provided that said objections are received within the statutory consultation period or, in the case of revised plans, any subsequent formal consultation period;
- (b) there is a petition signed by 50 or more local residents (identically worded letters will be treated as a petition); or
- (c) the proposal would represent a significant departure to the approved development plan.

(3) Where a member of the city council requests, within 14 days of the publication of the weekly lists, and an appropriate planning justification is made, that the application be referred to the committee for decision.

(4) Applications submitted by a member of the city council, a member of staff employed in the planning service or who works in a professional capacity in a field closely related to the planning service or their immediate family defined as husband / wife / partner / son / daughter / mother / father / brother / sister /and equivalent in-laws as either applicant or agent.

### **B. Prior notifications**

All applications will be determined by the area development managers with the exception of the following:

(1) In the case of telecoms cabinets, masts or antennae under Part 25 of The Town and Country Planning (General Permitted Development) Order 2015 as amended which

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<sup>[1]</sup> major is defined by central government as applications for 10 or more dwellings, outline applications for residential development on sites over 0.5ha, or offices, research, industrial, warehousing or retail development over 1,000 sq m or over 1ha for outline applications.

<sup>[2]</sup> the opposite of major as defined above.

are subject to two or more objections from neighbours and/or other third parties citing issues of siting and/or appearance (these being the only matters for which prior approval is required) that the area development managers decision must be subject to consultation with the chair and vice chair of the planning applications committee if one or more ward councillors so request within 21 days of advertisement, neighbour consultation or publication of the weekly list.

**C. Planning enforcement**

All decisions will be made by the area development managers

**D. Tree Preservation Orders (TPOs) and applications for tree works in conservation areas or protected by TPOs**

All decisions will be made by the area development managers with the exception of:

- (1) The confirmation of a tree preservation order served where there are 5 or more objections to that order UNLESS the order relates to a site upon which there is an existing order.

**E. Applications for Permission in Principle and for Technical Details Consent**

All decisions will be made by the area development managers

**F. Other**

Any Items which the director of regeneration and development considers appropriate to refer to the planning applications committee.

## **APPENDIX B – Revised scheme of delegation**

### **A. Planning applications, conservation area applications, listed building applications and hazardous substances consent applications**

All applications will be determined by the area development managers with the exception of the following:

(1) approval of major<sup>[1]</sup> planning applications if:

(a) subject to one or more objection raising material planning issues provided that said objections are received within the statutory consultation period or, in the case of revised plans, any subsequent formal consultation period;

(b) the proposal would represent a serious departure from the development plan; or

(2) approval of non-major<sup>[2]</sup> applications if:

(a) subject to two or more objections from neighbours and/or other third parties citing material planning issues provided that said objections are received within the statutory consultation period or, in the case of revised plans, any subsequent formal consultation period;

(b) there is a petition signed by 50 or more local residents (identically worded letters will be treated as a petition); or

(c) the proposal would represent a significant departure to the approved development plan.

(3) Where a member of the city council requests, within 14 days of the publication of the weekly lists, and an appropriate planning justification is made, that the application is considered by the chair of the Planning Applications Committee.

(4) Applications submitted by a member of the city council, a member of staff employed in the planning service or who works in a professional capacity in a field closely related to the planning service or their immediate family defined as husband / wife / partner / son / daughter / mother / father / brother / sister /and equivalent in-laws as either applicant or agent.

(5) approval of major<sup>[1]</sup> planning applications if the application is a resubmission of a proposal involving development of the same character or description and on the same site where the officer recommendation to committee on an earlier application was overturned by the planning applications committee.

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<sup>[1]</sup> major is defined by central government as applications for 10 or more dwellings, outline applications for residential development on sites over 0.5ha, or offices, research, industrial, warehousing or retail development over 1,000 sq m or over 1ha for outline applications.

<sup>[2]</sup> the opposite of major as defined above.

<sup>[1]</sup> major is defined by central government as applications for 10 or more dwellings, outline applications for residential development on sites over 0.5ha, or offices, research, industrial, warehousing or retail development over 1,000 sq m or over 1ha for outline applications.

Where any of (1)-(4) above applies, the decision must be subject to consultation with the chair or if unavailable the vice chair of the planning applications committee, unless it is not possible for such consultation to take place due to the coronavirus epidemic. If the chair / vice chair are in agreement with the officer recommendation, or if they are unable to be consulted, the application may be determined by the area development managers.

#### **B. Prior notifications**

All applications will be determined by the area development managers with the exception of the following:

- (1) In the case of telecoms cabinets, masts or antennae under Part 16 of The Town and Country Planning (General Permitted Development) Order 2015 as amended which are subject to two or more objections from neighbours and/or other third parties citing issues of siting and/or appearance (these being the only matters for which prior approval is required) that the area development managers decision must be subject to consultation with the chair or vice chair of the planning applications committee if one or more ward councillors so request within 21 days of advertisement, neighbour consultation or publication of the weekly list. Unless it is not possible for such consultation to take place due to the coronavirus epidemic

#### **C. Planning enforcement**

All decisions will be made by the area development managers

#### **D. Tree Preservation Orders (TPOs) and applications for tree works in conservation areas or protected by TPOs**

All decisions will be made by the area development managers with the exception of:

- (1) The confirmation of a tree preservation order served where there are 5 or more objections to that order UNLESS the order relates to a site upon which there is an existing order.

If (1) applies, the decision to confirm the order must be made in consultation with the chair or if unavailable the vice chair of the planning applications committee, unless it is not possible for such consultation to take place due to the coronavirus epidemic. If the chair and vice chair are in agreement with the officer recommendation, or if they are unable to be consulted, the order may be confirmed by the area development managers.

#### **E. Applications for Permission in Principle and for Technical Details Consent**

All decisions will be made by the area development managers.