

Report to Planning applications committee
09 July 2020
Report of Director of Place
Subject Review of the scheme of delegation

Item

4

Purpose

This report proposes to amend the committee's current scheme of delegated powers which was amended temporarily in response to the current government advice on public gathering in light of the coronavirus and due to the redeployment of staff required to deliver the council's response to the pandemic. This report seeks to identify an alternative solution which allows committees to take place whilst maintaining appropriate precautions due to coronavirus.

Recommendation

To:

- (1) 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 C;
- (2) amend the public speaking arrangements for a 3 month period as set out in paragraph 15 of this report.

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.

Ward/s: All wards

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

Contact officers

Graham Nelson, Director of place	01603 212530
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Background documents - None

Report

Background

1. On 23 April 2020, the planning applications committee resolved to adopt a new scheme of delegation for determining planning applications due to the unprecedented situation that was being faced as a result of the spread of coronavirus. This scheme of delegation is detailed at Appendix B of this report and the scheme of delegation that existed prior to this is included at Appendix A. It was agreed at the meeting of 23 April 2020 that these arrangements would be temporary and would be reviewed within three months. This report therefore seeks to review these arrangements and makes recommendations on a revised scheme of delegation for planning applications and arrangements for meetings going forward.
2. The changes made on 23 April 2020 allowed for decisions that would otherwise have been made at committee to 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 officers to determine the application under the new delegated powers or whether a committee meeting was necessary to determine the application. Applications relating to resubmissions of schemes, where the former application had been refused following a committee over-turn of an officer recommendation to approve, were excluded from these arrangements.
3. 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.
4. Notwithstanding the introduction of the 2020 regulations, the resolution of the meeting on 23 April 2020 sought to allow for most decisions to be determined under delegated powers rather than hold virtual meetings.
5. This decision took account of government advice 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. It also took account of the increased demand on council services in responding to the crisis with some planning officers and colleagues who support the planning process (administrative officers and internal consultees), as well as those who support the committee process, being re-deployed to other tasks.

Decisions under the temporary arrangements

6. At the time of writing ten decisions have been made under the temporary arrangements adopted on 23 April 2020 and which required the chair’s/vice-chair’s approval to the use of delegated powers. A list of these decisions is included at Appendix D.

Proposal

7. Going forward, it is proposed that the planning applications committee will continue to meet virtually using an appropriate platform. However, officers consider that in order to make meetings manageable the scheme of delegation should be modified as shown in Appendix C.
8. Briefly, the proposed scheme of delegation would allow the following to be determined at officer level:
 - a) All 'Other' applications (such as householder extensions, listed buildings applications and changes of use without any associated physical works) unless called in by a councillor;
 - b) 'Minor' applications (developments of up to 10 houses and commercial new build of up to 1000m²) except where 4 or more objections are received; and,
 - c) Major' applications (more than 10 houses and more than 1000m² new commercial floorspace) except where 2 or more objections are received.
9. The proposed scheme of delegation also makes provision for 'Other' applications where Norwich City Council is the applicant and where 4 or more objections have been received to be determined by the planning applications committee.
10. In order to give an indication of the impact of the new proposals, the applications referred to the planning applications committee between 1 April 2017 and 31 March 2020 have been examined. During this time period, 40 major applications were considered; the proposed scheme of delegation would have reduced this by 6. 77 minor applications were considered; the proposed scheme would have reduced this figure by 40. Finally, 85 'Other' applications were considered: under the proposed scheme, these would all be determined under delegated powers unless called in by members.
11. This is based on the data in the table below which shows the number of objections received on planning applications determined by planning committee between 1 April 2017 and 31 March 2020.

	Number of objections											Total
	0*	1	2	3	4	5	6	7	8	9	≥10	
Majors	1	6	6	3	4	0	2	0	0	2	16	40
Minors	4	5	20	15	9	3	4	6	4	1	6	77
Others	9	10	26	10	9	3	6	1	1	1	9	85

* cases with 0 objections are a combination of the city council's own applications, staff applications, cases such as a listed building consent application linked to an application for planning permission which does have objections or cases where officers have decided not to use delegated powers.

12. Of the above, in 15 cases members went against the officer recommendation. Of these 2 were approved following an officer recommendation to refuse. The below indicates numbers of objections on the remaining 13 with a summary of the circumstances around those with fewer objections:

- (a) 1 had 0 objections (a listed building application linked to a planning application with 14 objections);

- (b) 1 had 2 objections (an application for a large HMO, although originally recommended for approval officers updated their advice on this following an appeal decision and hence the application was refused);
- (c) 1 had 3 objections (change to 27 bed HMO);
- (d) 2 had 4 objections; (one was an HMO at the same meeting as b) above where officer advice changed due to an appeal decision, the other was a works to trees application);
- (e) 8 had \geq 10 objections.

13. Officers consider that these changes to the scheme of delegation are necessary to ensure that committee meetings are manageable and that the resources available are focussed on those applications with the most significant impact upon the wider community. It must be stressed, however, that smaller applications ('Other' applications) can still be referred to planning applications committee at officer discretion or if called in by a member. The time period within which an elected member can call in an application is proposed to be extended from the current 14 days of publication of a weekly list to 6 weeks from the valid date for a major application and 4 weeks for any other application.
14. It should be noted for future reference and avoidance of doubt that since 2010 multiple letters from the same household have been considered as a single letter of objection for the purposes of the scheme of delegation. This has been the approach since an earlier iteration of the scheme of delegation was adopted on 8 April 2010.

Public Speaking

15. Current rules governing public speaking at the planning applications committee are set out at Appendix 11 of the council's constitution. At present, the rules allow an unlimited number of people who have previously made a written representation (either in support or in opposition) on a planning application to speak for up to 3 minutes. The applicant or agent may also speak in support of an application for 3 minutes where objectors have registered to speak.
16. In considering public speaking, it should be noted that the planning applications committee is a meeting that is held in public, there is no requirement in legislation that requires members of the public to be able to address the committee directly. Indeed, the April Coronavirus Regulations, referred to above, only require that members of the public are able to hear the proceedings.
17. When planning applications committee considers applications at virtual committee meetings, it is important to ensure that members of the public have access to the proceedings. It is also important to ensure that access is equitable and that the meeting can be managed to ensure effective decisions are made. Not all members of the public will have access to the technology that would allow them to participate in a meeting held virtually. Consequently, it is proposed that public speaking is suspended for a period of 3 months (up until the November meeting) and instead members of the public may submit written statements that can be read out by officers at the meeting. It is also proposed that the number of statements to be read out is limited to 6 for a major application and 4 for a minor application and this will be subject to the following guidelines:

- (a) where such statements exceed 500 words they will be summarised by officers rather than read out word for word;
- (b) if more than the above number of statements are submitted officers will summarise the contents the statements;
- (c) the applicant or agent will be able to prepare one statement which will be read out; and
- (d) statements from members of the public may be in objection or support.

APPENDIX A – Former scheme of delegation (prior to lockdown)

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^[1] 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^[2] 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 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

^[1] 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.

^[2] the opposite of major as defined above.

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 – Temporary lockdown 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^[1] 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
 - (c) 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.
- (2) approval of non-major^[2] 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.

Where (1)-(4) inclusive apply, 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

^[1] 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.

^[2] the opposite of major as defined above.

/ 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.

APPENDIX C – Proposed scheme of delegation

A. Planning 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^[1] applications if:

(a) subject to two or more objections 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 minor ^[2] applications if:

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

(3) Where a member of the city council requests, within six weeks of a Major application becoming valid or within four weeks of a Minor or Other application becoming valid, 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, or the immediate family^[3] of an elected member or member of staff who works in the planning service. This excludes applications where Norwich City Council is the applicant.

(5) Non-major^[1] and non-minor^[2] applications where Norwich City Council is the applicant and if subject to four or more objections from neighbours and/or 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.

^[1] 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.

^[2] minor is defined as proposals involving 1-9 dwellings and/or upto 1,000sqm of new build non-dwelling development (including non-residential extensions). For the avoidance of doubt this excludes proposals involving no increase in floor area, residential extensions, changes of use, adverts and listed building consent applications.

^[3] immediate family is defined as a husband/wife/partner/son/daughter/mother/father/brother/sister and equivalent in-laws.

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 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 D – Applications determined under the temporary scheme of delegation adopted on 23 April 2020 and which required the Chair/Vice Chair approval to the use of delegated powers

Application Number	Address	Description	Date delegated powers authorised:	Authorisation given by:
19/01565/F	2 Wilby Road	Removal of single garage and outbuildings and construction of single storey extension.	27 May 2020	Vice-Chair
19/01646/F	13 The Grove Woodcock Road	Single storey rear extension.	01 June 2020	Chair
19/01750/F	50 Sandy Lane	Sub-division of plot and construction of two storey dwelling.	03 April 2020*	Chair
20/00335/F	96 Marlborough Road	Single storey rear extension.	03 May 2020	Chair
20/00180/F	Land south of 144 – 148 Thorpe Road	Subdivision of land, demolition of 5 garages and construction of bungalow with associated works.	26 May 2020	Chair
19/01002/F	Eaton (City Of Norwich) School, Eaton Road	Change in orientation and refurbishment of 5 No. tennis/netball courts and hardstanding PE court. Installation of floodlights to tennis/netball courts. Proposed hours: 9am-7pm Monday to Friday, 9am-1pm Saturdays o	15 June 2020	Chair
19/01726/F	Land Adjacent To 15 Clarence Harbour Court, Carrow Road	Two storey dwelling.	15 June 2020	Chair
20/00503/F	Garage Adj. 1 Winter Road	Proposed bike shed attached to garage	28 June 2020	Chair
20/00267/VC	Dowding Road	Variation of landscaping on previous permission	28 June 2020	Chair
2000433/F	23 Branksome Road	Demolition of garage and side and rear single storey extension.	28 June 2020	Chair

All of the above cases were approved subject to conditions.

*50 Sandy Lane was issued following the resolution of the committee on 30 March 2020, this meeting was repeated on 23 April 2020 following the new regulations on virtual meetings.