

**READING BOROUGH COUNCIL
REPORT BY EXECUTIVE DIRECTOR OF ECONOMIC GROWTH AND NEIGHBOURHOOD
SERVICES**

TO:	PLANNING APPLICATIONS COMMITTEE		
DATE:	20 July 2022		
TITLE:	REVIEW OF EXTENDED DELEGATED AUTHORITY INTRODUCED AT START OF COVID-19		
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1. PURPOSE AND SUMMARY OF REPORT

- 1.1 To seek the agreement of committee to make the extension of delegated powers to officers to determine planning applications, as introduced as an interim measure at the start of the covid 19 pandemic episode, permanent.
 - 1.1.1 Appendix 1 provides the delegations as preceding April 2020.
 - 1.1.2 Appendix 2 provides a copy of Appendix B as it appeared in the Policy Committee papers for 27 April 2020 which shows the existing delegations and the changes to them agreed as an interim measure for online meetings.
 - 1.1.3 Appendix 3 provides the delegations as now currently proposed.

2. RECOMMENDED ACTION

- 2.1 That you agree the list for those applications for which delegated authority is not given to Officers to determine as provided at Appendix 3.

3. BACKGROUND

- 3.1 A report was presented at Policy Committee held on 27 April 2020 to explain that Section 78 of the Coronavirus Act 2020 and 'The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020' enabled Council meetings to take place online during the current Covid-19 pandemic. The report provided revised protocols for running meetings to help manage online events and included a proposal to extend the delegated authority for making decisions on planning applications and confirming Tree Preservation Orders to reduce the work handled by Planning Applications Committee (PAC).
- 3.2 Policy Committee agreed that the Deputy Director of Planning, Transport and Regulatory Services' delegated authority to determine planning applications and Tree Preservation Orders should be extended to help reduce the number of reports coming to the meeting.
- 3.3 The most significant change was to allow officers to refuse Major category planning applications. Other changes introduced asked for; greater scrutiny of those applications called in to PAC by Councillors; for variations or amendments to permissions; confirmation of TPO.s previously determined by committee to be decided by officers and a change to require applications only from serving Councillors and a smaller group of staff to be decided by PAC.

- 3.4 With committee meetings being run mainly in person once again, Officers have been considering if the amended delegations should continue to apply. The purpose of the extension, to help to reduce the number of cases needing to be decided by PAC, remains valid in that it reduces the burden of work on case officers preparing and presenting reports for committee.
- 3.5 In practice, officers welcomed being able to use the delegated authority to refuse major applications or to determine amendments in their negotiations to good effect and have exercised common sense by bringing the more controversial cases to committee. Between June 2020 and today, 13 Major applications have been refused planning permission with 4 coming to PAC for a decision. Also, the ability to deal with Variations to permissions without first clearing the approach with Councillors has been effective.
- 3.6 Councillors can still call these and other applications to committee for a decision and are aware of the need to justify why. Officers have welcomed this and how Councillors have been pragmatic and willing to work with officers to confirm if a call in is still needed as the case has been progressed.
- 3.7 For clarity, for S73 Variations, that section has been deleted in line with the interim arrangement that these decisions be delegated to officers. Also, it is considered appropriate to ask for a PAC decision when an objection to a Tree Preservation Order has been received or where the proposal has been submitted by or on behalf of the Council.

4. CONTRIBUTION TO STRATEGIC AIMS

- 4.1 The processing of planning applications contributes to creating a sustainable environment with active communities and helping the economy within the Borough as identified as the themes of the Council's Corporate Plan:
1. Healthy Environments
 2. Thriving Communities
 3. Inclusive Economy

5. ENVIRONMENTAL AND CLIMATE IMPLICATIONS

- 5.1 The Council declared a Climate Emergency at its meeting on 26 February 2019.
- 5.2 The Planning Service uses policies to encourage developers to build and use properties responsibly by making efficient use of land and using sustainable materials and building methods. As a team we work hard to reduce the resources (including paper and printing) that we use to carry out our work so reducing the number of committee reports produced will also help.

6. COMMUNITY ENGAGEMENT AND INFORMATION

- 6.1 The changes to delegations do not change the need for statutory and non-statutory consultation on all planning applications.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 Where appropriate the Council must have regard to its duties under the Equality Act 2010, Section 149, to have due regard to the need to—
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.2 There are no direct implications arising from the proposals.

8. LEGAL IMPLICATIONS

8.1 The Planning Applications Committee has delegated powers from Council to determine planning applications and therefore has the power to make planning delegations to officers.

9. FINANCIAL IMPLICATIONS

9.1 None arising from this report

10. BACKGROUND PAPERS

27th April 2020 Policy Committee **DECISION-MAKING AND MEETING PROTOCOLS** Report and Minutes

The Head of Planning, Development and Regulatory Services is not authorised to exercise delegated powers in respect of the following:

Applications “called - in” by a member	Determination of applications where a member has requested that an application be referred to Planning Applications Committee for a decision within 3 weeks of the application appearing on the weekly list.
Planning Applications Committee re-referral	Where Planning Applications Committee has resolved that a matter be referred to Planning Applications Committee.
Serving or former councillors and employees of the Council and their close friends and relatives	Power to determine an application for planning permission, approval of reserved matters, variations of conditions, variations of legal agreements or planning obligations, advertisement consent, listed building or conservation area consent, works affecting trees covered by tree preservation order and certificates of existing or proposed lawful use or development made by serving and former councillors and any member of the Corporate Management Team and any person employed or engaged by Planning and Legal Services.
Council developments	Power to determine an application for planning permission made by the Council alone or jointly with another person under Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492) (Para 6) and the determination of applications made by the Council for listed building or conservation area consent.
Applications to develop land without compliance with conditions attached by Committee	Determine applications to develop land without compliance with conditions under Section 73 of the Town and Country Planning Act 1990 where those conditions were previously attached by Committee, without first agreeing the method of determination with the Chair of Planning Applications Committee and Ward members.
Departures from the Development Plan.	Any development which is considered by the Head of Planning, Development and Regulatory Services to be a departure from the provisions of the adopted development plan and where recommended for approval.
‘Major’ Applications.	Major development, i.e.: building or engineering work; or Building or engineering work involving change of use comprising: (i) residential development of 10 or more dwellings or residential development on an application site of 0.5 ha or more, or (ii) in the case of other uses (not comprising minor or other development as described above), 1,000 sq m or more of gross floorspace, or an application site of 1 ha+.
Conservation area or listed building consent	Only where the proposals also require planning permission for development which is classed as “Major”
Tree Preservation Orders / Trees in conservation areas	Where an objection to a Tree Preservation Order has been received or where the proposal has been submitted by or on behalf of the Council

APPENDIX B from Policy Report 27 April 2020

The table below sets out those applications that the Head of Planning and Regulatory Services is currently not authorised to exercise delegated powers and how officers consider these could be changed to reduce the number of cases coming to Planning Applications Committee. Instead it would be possible to present a schedule of those applications where delegations are changed to each PAC so the decisions can be discussed if needed or simply noted.

	Pre April 2020	Proposed
Applications “called -in” by a member	Determination of applications where a member has requested that an application be referred to Planning Applications Committee for a decision within 3 weeks of the application appearing on the weekly list of planning applications.	Members to use their discretion in call-ins to support the strategic objectives of the Council in the pandemic and recovery. Members are requested to seek advice from the Planning Manager and Chair of Planning before notifying a call in to the Planning Manager instead of the case officer.
Planning Applications Committee re-referral	Where Planning Applications Committee has resolved that a matter be referred to Planning Applications Committee for a decision	No change
Serving or former councillors and employees of the Council and their close friends and relatives	Power to determine an application for planning permission, approval of reserved matters, variations of conditions, variations of legal agreements or planning obligations, advertisement consent, listed building or conservation area consent, works affecting trees covered by tree preservation order and certificates of existing or proposed lawful use or development made by serving councillors and any member of the Corporate Management Team and any person employed or engaged by Planning and Legal Services.	No change but amend the description to: <i>Applications submitted by serving councillors and some employees of the Council (those on Corporate Management Team and any person employed or engaged by Planning and Legal Services).</i>
Council developments	Power to determine an application for planning permission made by the Council alone or jointly with another person under Section 316 of the Town and Country Planning	No change

	Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492) (Para 6) and the determination of applications made by the Council for listed building or conservation area consent.	
Applications to develop land without compliance with conditions attached by Committee	Determine applications to develop land without compliance with conditions under Section 73 of the Town and Country Planning Act 1990 where those conditions were previously attached by Committee, without first agreeing the method of determination with the Chair of Planning Applications Committee and Ward members.	Delegated and no need to agree method with Cllrs.
Departures from the Development Plan.	Any development which is considered by the Head of Planning, Development and Regulatory Services to be a departure from the provisions of the adopted development plan and where the application is recommended for approval.	No change - rarely happens
'Major' Applications.	Major development, i.e.: building or engineering work; or Building or engineering work involving change of use comprising: (i) residential development of 10 or more dwellings or residential development on an application site of 0.5 ha or more or (ii) in the case of other uses (not comprising minor or other development as described above), 1,000 sq. m or more of gross floorspace, or an application site 1 ha or more.	No change when the recommendation is to approve. Delegated when the recommendation is to refuse
Conservation area consent / listed building consent	Only where the proposals also require planning permission for development which is classed as "Major"	No change
Tree Preservation Orders / Trees in conservation areas	Where an objection to a Tree Preservation Order has been received or where the proposal has been submitted by or on behalf of the Council	Delegated.

Proposed Post July 2022 Delegations

APPENDIX 3

The Assistant Director of Planning, Transport and Public Protection Services is not authorised to exercise delegated powers in respect of the following:

Applications “called - in” by a Councillor, including those in adjacent authorities.	Councillors need to justify why a decision by PAC is required and should notify, in the first instance, the Planning Manager and Chair of PAC. The Planning Manager will then notify the case officer once the call in is confirmed appropriate.
Planning Applications Committee re-referral	When Planning Applications Committee has resolved that a matter should be referred back to PAC.
Applications submitted by serving councillors and employees of the Council on Corporate Management Team and any person employed or engaged by Planning and Legal Services or their close family.	Applies to applications for planning permission, approval of reserved matters, variations of conditions, variations of legal agreements or planning obligations, advertisement consent, listed building consent, works affecting trees covered by tree preservation order and certificates of existing or proposed lawful use or development made by serving councillors or their close family and any member of the Corporate Management Team and any person employed or engaged by Planning and Legal Services or their close family.
Council developments	Power to determine an application for planning permission made by the Council alone or jointly with another person under Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492) (Para 6) and the determination of applications made by the Council for listed building consent.
Departures from the Development Plan.	Any development which is considered by the Assistant Director of Planning, Transport and Public Protection Services to be a departure from the provisions of the adopted development plan and recommendation is for approval.
‘Major’ Applications within the Borough where the officer recommendation is to grant planning permission.	Major development, i.e.: Building or engineering work involving new development or change of use comprising: (i) residential development of 10 or more dwellings or residential development on an application site of 0.5 ha or more, or (ii) in the case of other development those comprising 1,000 sq. m or more of gross floorspace, or an application site of 1ha or more.
Listed building consent	Only when forms part of a proposal that also requires planning permission in any of the above categories.
Tree Preservation Orders / Trees in conservation areas	Where an objection to a Tree Preservation Order has been received or where the proposal has been submitted by or on behalf of the Council