

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Council
<b>Date of Meeting:</b>	7 December 2021
<b>Subject:</b>	Planning Scheme of Delegation
<b>Report of:</b>	Head of Democratic Services
<b>Corporate Lead:</b>	Borough Solicitor
<b>Lead Member:</b>	Lead Member for Built Environment
<b>Number of Appendices:</b>	One

## **Executive Summary:**

A high-level action plan which resulted from an external review of the Development Management Service was approved by Executive Committee on 17 November. The plan included an action to review the Scheme of Delegation to reduce the number of minor applications which go to the Planning Committee. This report proposes an amendment to the Scheme of Delegation, with a full review of the Scheme planned to take place in the medium term (12-18 months).

## **Recommendation:**

**That the Council RESOLVES to amend the Planning Scheme of Delegation as set out in Paragraph 2.3 of the report.**

## **Reasons for Recommendation:**

To support the implementation of the action plan and release resources to deliver an improved Development Management Service.

## **Resource Implications:**

The Development Management Service currently has a number of vacancies and resources are stretched. Reducing the number of minor applications which go to Committee will release resources to help deliver the action plan and an improved Development Management Service.

## **Legal Implications:**

Any amendments to the Scheme of Delegation to Officers under Part 3 of the Council's Constitution is the responsibility of the Council.

## **Risk Management Implications:**

Failure to address the issues arising from the review will have an impact on performance in determining planning applications and could result in a negative experience for users of the service. Safeguards will be built into the proposed change to ensure that planning considerations are properly addressed and the democratic process will not be undermined.

**Performance Management Follow-up:**

The impact of the proposed change to the Planning Scheme of Delegation will be monitored and considered when the full review of the Scheme takes place.

**Environmental Implications:**

None.

**1.0 INTRODUCTION/BACKGROUND**

- 1.1** The Council appointed POS Enterprises (the operational arm of the Planning Officers Society) to undertake a review of its Development Management Service.
- 1.2** In response to the review findings the Executive Committee approved a high-level action plan. The plan included an action to review the Planning Scheme of Delegation in particular to reduce the number of minor applications which go to Committee.
- 1.3** The current Planning Scheme of Delegation was approved by Council in April 2015 and a full review is due to take place in the medium term (12-18 months). However, in the short term, it is suggested that an amendment be made to the Scheme in order to reduce the number of minor applications taken to Committee as highlighted by the review.
- 1.4** In the review team's experience, the number of applications going to Committee is significantly above what would normally be expected in an authority of a similar size to Tewkesbury and having regard to the total number of applications being dealt with annually.
- 1.5** In investigating the level of Committee activity, the Review Team found that 99 applications were taken to Committee as a result of the existing Scheme of Delegation during the period 1 May 2020 to April 2021 and 55 of these were as a result of a Town/Parish objection. Further, the review team commented that their research had shown that taking an application to Committee cost ten times as much as dealing with it at Officer level under delegated powers.

**2.0 PLANNING SCHEME OF DELEGATION**

- 2.1** The current Scheme includes the following safeguards in relation to determining applications:
1. The Head of Development Services cannot grant permission for a proposal which is clearly contrary to the approved policies of the Council, or where the Planning Committee has specifically required that an application be determined by the Committee.
  2. Councillors are notified of all planning and related applications/notifications via the Council's Public Access system. Any Councillor who is concerned about a proposal which would normally be delegated will notify the Case Officer in writing within 21 days of receiving the list. If, after discussing the application with Officers, a Councillor wishes the proposal to be determined by the Committee, the application will be referred to the Planning Committee.
  3. The opportunity to enhance, amend or otherwise improve proposals in accord with the fairness and good neighbour yardstick, the general planning interest and the Council's policy will be taken where appropriate.
  4. The Head of Development Services will use their discretion to refer any proposal

to the appropriate Committee if they are not satisfied that the matter should be dealt with under delegated powers.

5. Planning and related applications will not be dealt with under delegated powers, save where the application is in respect of a previously permitted scheme and only seeks to make either minor material amendments, non-material amendments, or is a S73/S73A application seeking to vary or remove conditions which does not change the nature of the scheme, and shall instead be referred to the Planning Committee for a decision in the following circumstances:
  - (i) Applications where a Town or Parish Council has submitted a written objection raising substantive planning issues has been received within the normal consultation/publicity period and it has not been addressed by discussion, amendment, or by written response.
  - (ii) Applications submitted by the Council, by or on behalf of, a Tewkesbury Borough Councillor or by, or on behalf of, an employee of the Council.
  - (iii) Full or outline applications for the erection of 10 or more residential units.
  - (iv) Reserved Matters applications involving more than 20 dwellings.
  - (v) Applications for the use of land involving the stationing of five or more caravans for permanent residential use.

**2.2** An analysis of applications on the Agenda, as a result of a Parish Council objections, from the last six months is attached at Appendix 1 which shows that, out of 67 applications considered by the Planning Committee, 49 were as a result of a Parish Council objection but only on two occasions did a Parish Council representative attend and speak at the meeting and only on five occasions was there a change to the Officer recommendation two of which were changes from permit to delegated permit (excluding referrals).

**2.3** Based on the above research, it is suggested that safeguard 5(i) in relation to objections from Town and Parish Councils being automatically referred to Committee be removed.

**2.4** In considering this suggestion, Members are asked to bear in mind -

1. Research has shown that taking an application to Committee costs ten times as much as dealing with it at Officer level under delegated powers.
2. The other four other safeguards will remain in place.
3. Reducing the number of minor applications to Committee will allow Members to focus on the most important and strategic development.
4. The overriding aim of the challenging high-level action plan arising from the review is to improve performance and the customer experience. Reducing the number of minor applications being taken to Committee will assist in creating capacity to deliver the action plan.

### **3.0 OTHER OPTIONS CONSIDERED**

**3.1** Not applicable.

### **4.0 CONSULTATION**

**4.1** Not applicable.

**5.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

5.1 Not applicable.

**6.0 RELEVANT GOVERNMENT POLICIES**

6.1 Not applicable.

**7.0 RESOURCE IMPLICATIONS (Human/Property)**

7.1 Included within the report.

**8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**

8.1 Not applicable.

**9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**

9.1 Included within the report.

**10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**

10.1 Included within the report.

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**Background Papers:** None.

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**Appendices:** 1 - Analysis of applications on the Planning Committee Agenda as a result of a Parish Council objections June-November 2021.