APPENDIX 1

Planning Delegated Sub-Committee

17 April 2020

Delegation of Planning Matters

Report by: Assistant Director of Planning and Senior Planning Solicitor

Introduction

1. The purpose of this report is to allow the Assistant Director of Planning to determine planning applications which would ordinarily have been dealt by the Planning Committee due to the restrictions associated with the Coronavirus Pandemic. This will last until 17 October 2020 unless reviewed earlier.

Background

2. In accordance with the Council’s Constitution the Assistant Director of Planning can determine planning applications, planning enforcement matters and other planning related applications subject to a number of exceptions which are reserved for Planning Committee to determine.

3. The planning applications which only Planning Committee can determine are set out from paragraphs 1 to 7 in Appendix 1. This sets out that Planning Committee is responsible for determining all major planning applications which includes minerals and housing applications.

4. The scheme of delegation also provides that certain other applications are determined by the Assistant Director of Planning having regard to the approved guidance on this matter as set out in Appendix 1. The Assistant Director of Planning is required to consult with the Chair and Vice Chairs before deciding whether a matter is determined by Planning Committee or the Assistant Director of Planning. This includes a consideration of, amongst other issues, the impact of development on communities, businesses or individuals and the nature, strength and issues raised in public representations. A Referral Form sets out the decision with all the factors which were considered in deciding whether Planning Committee or the Assistant Director of Planning make the final decision.

5. In light of the Coronavirus Pandemic consideration has been given to how planning decisions can still be made where it is not practical to convene a quorate meeting of Planning Committee or to reduce the amount of business which would be dealt with by a Planning Committee convened during the Coronavirus Pandemic. There are a number of planning applications which need to be dealt with urgently where the
current scheme of delegation does not enable certain decisions to be made without the attendance of Planning Committee.

Proposal

6. To enable planning applications and other planning matters to be determined during the Coronavirus Pandemic, it is proposed that the Assistant Director of Planning in consultation with the Chair and Vice Chairs of Planning Committee is authorised to decide to determine any matter that would normally be determined by Planning Committee. The decision whether or not planning matters will be determined by the Assistant Director of Planning or Planning Committee will be set out on a Referral Form. The Development Management Delegations - Guidance to Officers set out in Schedule 3A, Part 3.13 of the Newcastle Charter which sets out the factors to be taken into account by the Assistant Director of Planning in deciding whether a matter should be determined by Planning Committee shall not apply and will be suspended for the period of the Coronavirus Pandemic.

7. There is now the facility to hold virtual meetings of Planning Committee. The Coronavirus Act 2020 has provided that the Secretary of State can make regulations which do not require the attendance of a Committee member in person. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have now been made and came into force on 4 April 2020. The Council will therefore in future be able to hold “virtual meetings” for Planning Committee. However, the proposals in this report will still apply when Planning Committee meets during the Coronavirus Pandemic to ensure that only the applications which the Assistant Director of Planning decides in consultation with the Chair and Vice Chairs are determined by Planning Committee.

8. Under the Newcastle Charter there is no right to a hearing where planning applications are considered by Planning Committee. Hearings only take place where strictly necessary to assist in the determination of planning applications. The Assistant Director of Planning consults the Chair and Vice Chair of Planning Committee to determine whether a hearing is likely to assist the Committee in determining the application. For planning applications which are determined by the Assistant Director of Planning the hearings procedure will not apply.

9. In the absence of a hearing, any written representations from objectors and supporters and Ward Members in relation to planning applications would continue to be considered by the Assistant Director of Planning.

Recommendation

10. The Planning Delegated Sub-Committee is recommended from 17 April until 17 October 2020 to:

(i) authorise the Assistant Director of Planning, in consultation with the Chair and Vice Chairs of Planning Committee, to decide whether the Assistant Director of Planning or Planning Committee shall determine any matter normally determined by Planning Committee, in accordance with paragraphs 6 - 8 above; and
(ii) approve the suspension of the Development Management Delegations – Guidance to Officers; and

(iii) subject to (i) above authorise the Assistant Director of Planning to determine any matters normally determined by Planning Committee (set out in Schedule 3A, Part 3.13 of the Newcastle Charter).

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**Background Papers**

Held by Assistant Director of Planning at: [https://www.newcastle.gov.uk/viewplanning](https://www.newcastle.gov.uk/viewplanning)

Newcastle Charter

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