

Report to Constitution and Members' Services Standing Scrutiny Panel



Date of meeting: 29 June 2009

Subject: Officer Delegation – Planning Applications:
Comments by Town and Parish Councils

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Committee Secretary: M Jenkins (01992 564607)

Recommendations:

That no change to the powers of delegation be made.

Report:

1. Following consideration of this matter at the meeting of this Panel on 6 April 2009, there has been a request for further opportunity for discussion in order to clarify the issue and suggest other courses of action.
2. **Councillor J Knapman** wishes the Panel to consider the following proposal:

“Delegated powers should not be used if the Head of Planning and Economic Development intends to refuse a planning application where a local council has indicated a measure of support in its response and that such cases should stand referred to the relevant Area Plans Sub Committee.”

Reason:

Most Parish Councils state “no objection” which appears to be viewed by Planning Officers as a neutral stance on applications, thereby giving authority to make a delegated decision either to grant or refuse consent. Sometimes, the comments of local councils which accompany “no objection” can indicate support for an application. The officer delegation should therefore provide for such comments to be taken into account in deciding whether reference to a Sub Committee should take place.”

Existing Position

3. The issue of comments by local councils is dealt with in 2 clauses of the relevant authority setting out two circumstances where applications would be reported to committee:
P4(g) – Applications recommended for approval contrary to an objection from a local council which is material to the planning merits of the proposal; and
P4(l) – A planning application which would otherwise be refused under delegated powers but where there is support from the relevant local council and no other overriding planning consideration necessitates refusal.

Officers' Comments

4. Members will appreciate, then, that the issue raised by Cllr Knapman is covered in clause P4(l). Determination under delegated powers is not reliant upon whether the

local council has used or not used the term 'Support' or 'No Objection' but whether there are overriding reasons for refusing the application in any event. Whatever terminology is used the issues raised would be taken fully into account when reaching a recommendation and decision.

5. It might be that the request is really for the phrase at the end of clause P4(l) – '.....and no other overriding planning consideration necessitates refusal.' – to be removed. However, this would be returning to a former situation when any expression of support, for whatever reason not necessarily strictly a planning consideration, resulted in an application having to be referred to committee, affecting the 8-week target for determining applications and unnecessarily taking up committee time. Nevertheless, that is an option.
6. Alternatively, the Panel might feel that the issue can be dealt with simply by asking officers to use discretion in handling expressions of support from local councils, by continuing to provide guidance on planning issues to local councils through the Member Training Programme and visits to local council meetings, and by reassuring local councils that their comments are taken fully into account. This can be done either by letter to Clerks or at a meeting of the Local Council Liaison Committee.
7. It is this second option that is recommended.