

Report to Overview and Scrutiny Committee

Date of Meeting: 3 September 2009



Report of: Constitution & Members' Services
Standing Scrutiny Panel

Chairman: Councillor Mrs M McEwen

Subject: Officer Delegation – Planning Applications:
Comments by Town and Parish Councils and Single Storey Rear Extensions

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Recommendations:

- (1) That no change be made to the terms of delegation to the Director of Planning and Economic Development regarding reference of planning applications to Area Plans Sub Committees;**
- (2) That new guidance be given to Parish Councils regarding how to frame their consultation responses and, in particular, the use of the terms 'support', 'oppose' 'no objection' and 'no comment' and that if necessary the matter be raised at a meeting of the Local Councils' Liaison Committee;**
- (3) That the Director of Planning and Economic Development be asked to use his discretion on how Parish Council responses are handled and whether any case should be referred to an Area Plans Sub Committee in the light of those responses;**
- (4) That the possibility of extending delegation to officers to approve routine applications in respect of single storey rear extensions to residential properties be deferred for consideration at the next review of delegation.**
- (5) That, pursuant to (4) above, the Director of Planning and Economic Development monitor the number of such applications being referred to Area Plans Sub Committees and the decisions made.**

Report:

1. Following consideration of this matter at the meeting of this Panel on 6 April 2009, the Council has requested that we re-consider our proposal not to change officer delegation in relation to comments by Parish Councils.
2. This proposal originated from Councillor J Knapman who wished the Panel to consider the following:

"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 delegated authority. Two circumstances where applications would be reported to Committee are identified:

(a) 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

(b) P4(1) - 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.

4. We have discussed this issue again and remain of the view that the issue raised by Councillor Knapman is covered in clause P4(1). Determination under delegated powers is not reliant upon whether the local council has used or not used the term ‘Support’ or ‘No Objection’ but rather 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. We also do not want to see the number of planning applications to Area Plans Sub Committees increase unnecessarily, not least because of the effect on performance against Government targets.

5. We still 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 Councils' Liaison Committee.

6. We recommend as set out in recommendation (1) to (3) at the commencement of this report.

Single Storey Rear Extensions

7. Planning Officers have made representations to us about another category of planning applications which could be dealt with by officers under delegated authority. These are applications for single storey rear extensions to residential properties where consulted neighbours have not raised an objection, but the Parish/Town Council have objected, which are generally of a routine nature but nevertheless are outside the scope of existing delegation. We have asked officers to monitor the number of such cases and outcomes over the next few months.

8. We do not expect that effect of delegating such applications to officers will have a major impact on performance against targets but we are anxious to ensure that the Council gives itself every chance to do so.

9. We recommend as set out in recommendations (4) and (5) above.