

## ***Report to Planning Services Scrutiny Standing Panel***

***Date of meeting: 03 March 2011***

**Subject: Officer Delegation - Local Council stating No Objection but comment that application go to Area Plans Sub-Committee**

**Officer contact for further information: Nigel Richardson x4110**

**Committee Secretary: Mark Jenkins**

### **Recommendations/Decisions Required:**

1. That no further changes be made to Officer Delegation.
2. Assistant Director (Development) write to remind Local Council's of the "call-in" power of District Councillors to bring planning applications to the relevant Area Plans Sub-Committees covered by their Ward and that their comments should be clear as to why they have reached their conclusion, even if they have stated no objection.

### **Report:**

Minute 34 (Any Other Business) of Agenda Item 5 of Planning Service Scrutiny Standing Panel meeting dated 11 October 2010 requested that this Panel discuss the current delegated powers of the Director of Planning and Economic Development in respect of determining planning applications where the Local Council have raised no objections to a planning application but still request that it be reported for determination by the relevant Area Plans Sub-Committee.

As this matter was to be discussed at Local Council's Liaison Committee on 10 November 2010, the Panel requested that the relevant minutes of this committee also be forwarded to them. These are attached, as are the current delegated powers last reported to District Development Control Committee on 7 December 2010.

This issue had come about following a comment on a planning application made by Waltham Abbey Town Council who, despite making clear they had raised no objections, commented further that it should be reported to the Area Plans Sub-Committee.

Under the current delegation powers, there is no provision for such planning applications to be reported to planning committees. As reported to the Local Council Liaison Committee (LCLC), it was made clear that there were two provisions, among others, where planning applications were reported to planning committees that involved Local Council comments. They were:

- (a) Applications recommended for approval contrary to an objection from a local council which were material to the planning merits of the proposal; and

(b) Applications recommended for refusal but where there was support from the local council and no other overriding planning consideration necessitates refusal.

The LCLC was reminded that local council's had two further delegation options which triggered applications going to planning committees.

The first being that they could comment, as they occasionally do, in a more positive way where it was felt necessary. The second option, that a local District Councillor can request a planning application be reported to their relevant Area Plans Sub-Committee within the first four weeks of notification.

The LCLC resolved "That the report concerning Local Council's Comments on Planning Applications be noted". The Minutes of 10 November 2010 is attached, as requested.

**Reason for decision:**

Rather than change delegation for what so far has virtually been a lone comment by a local council, as noted by the LCLC, the Panel are reminded that the best course of action would be that in these cases, the local council ask a district councillor, representing a ward within that Area Plans Sub-Committee, to "call-in" the application.

The Panel are also reminded that in 2010, changes were made to planning application delegation and one rejected change suggested by Councillor Knapman to make the interpretation of the views of local council's more flexible was not supported by this Panel and not supported by Overview and Scrutiny Committee. The preference was for improved advice from Planning Officers to local council's on how they should make their view clear. This is included under the second part of the recommendation above. The issue of the subject matter could be addressed in this way so that the Local Council could be clearer as to why they wish the matter to go to an Area Plans Sub-Committee meeting.

**Options considered and rejected:**

Nil

**Consultation undertaken:**

Local Council Liaison Committee 10 November 2010

**Resource implications:**

Budget provision: Nil

Personnel: Nil

Land: Nil

Community Plan/BVPP reference: Nil

Relevant statutory powers: Nil

Background papers: Minute Item 26 of Local Council Liaison Committee – 10 November 2010

Minute Item 30 of District Development Control Committee meeting 7 December 2010

Environmental/Human Rights Act/Crime and Disorder Act Implications: Nil

Key Decision reference: (if required)