

Report to Constitution Working Group

Date of meeting: 25 June 2018

Subject: Planning Process Review 2017/18 – Delegations to Planning Officers

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Recommendations:

- (1) To consider revised new delegation schedules to Officers for Planning matters;**
- (2) To receive the further responses from members and Local Councils on the proposals**
- (3) To consider whether recommendations can be made to Council at its meeting in July 2018.**

Background to proposals

1. (Assistant Director, Governance / Assistant Director Development Management) At the last meeting in April 2018, members looked at the number of submissions that had been made on the proposed changes to the delegation arrangements.
2. The working group made some minor alterations to their proposals (at Appendix 1 to this report) and agreed that we give members and local council's a further period in which to submit responses to the consultation on revised planning delegations.
3. Since that meeting officers have recirculated the proposals and the consultation period ended on 6 June 2018.
4. Attached at Appendix 2 are the comments made during the first phase consultation, those submitted during the second stage consultation are at Appendices 3 and 4. Twelve additional representations have been received from Local Councils, (one of which repeating an earlier representation) and six from district members. Appendix 5 shows a reminder of the current arrangements.

Consultation Response Themes

5. Detailed in Appendix 3 are comments from District Members. There are some themes to the responses which are outlined below.

Limit of 10 or more dwellings

6. Some members have expressed the view that every application for any new dwelling should come to committee. One has also asked that all householder applications come to members for determination.
7. Making a change of this nature would however significantly increase the numbers of applications coming to Subcommittee. Objection has also been made to the increase from five to ten dwellings for the trigger point. This could be reviewed after a year of operation.

Applications on Council Land

8. The suggestion has been made that any application made by the Council should come to Subcommittee rather than those on larger sites. Applications that are contentious (examples recently have included ex-garage sites) are often caught by other reasons such as the number of objections.

9. Members could, however, make the change requested. However, existing rules would mean that any site rejected by the Area Committee's would be referred to DDMC for decision.

Objections/Local Council Objections

10. The view has been expressed that in rural areas having five objections to trigger applications into committee may be too high. Members may wish to consider if the properties consulted is less than five, if all those properties object then the application would be referred to Subcommittee. Lesser figures of 2 and 3 have been suggested.

11. Some Parish Councils have objected to the requirement for (i) a material planning reason and (ii) having support of a resident for a matter to be referred to members. Objections have also been made to the suggestion that if that is not the case, then they would need to come to the meeting to represent their views directly to members. They have also asked how they would know when it was going to Committee.

12. Some parishes have seen it as a diminution of their input when they know the area better than District members. It is also suggested that it downplays their statutory role in planning consultations.

13. It has also been suggested that local councillors wouldn't be able to attend the meetings or in some cases they are representing the views of a resident who is too nervous to object.

14. Comments have also been made as to what would constitute 'material planning reasons' in A (3). The determination of this is routinely carried out by officers for every application. It is suggested that A (3)(b) could be consistent with the wording in (a) and (c).

15. In planning response terms, there will be no difference placed on the arguments put forward by local councils on applications. A material planning issue raised by a local council would be considered by officers as part of their consideration of each application.

16. What would be different is that if the local council makes an objection in the absence of support of other residents then they should be prepared to come to the relevant meeting and make their case at the point the determination is made. If they choose not to do this then the matter could be determined under delegation.

17. Local Councils are not statutory consultees on planning applications; there is no suggestion that the Council would stop advising local councils on new applications as part of the consultation arrangements. Other statutory consultees are not afforded an automatic referral to subcommittee in any event.

18. Some parishes however are supportive of the changes proposed and some have not chosen to object to this element of the proposals.

Outline Applications

19. It has been suggested that we either decline to accept outline applications or that all outline applications should come before members. The former is not possible.

Enforcement Action

20. It has been suggested by Councillor Heap (and a similar proposal from Councillor Neville) that:

(1) The Subcommittees should have the stated ability to request officers to consider enforcement action on a site where members have refused a retrospective planning application; and

(2) That the area subcommittee have the power to require a report to them from officers in those cases where no further action is subsequently proposed, such a report to give option to take enforcement action (i.e. the power for the subcommittee to authorise action); and

(3) That any such report be made within 2 months after the elapsing of the timescale within which a retrospective application can be appealed and that the committee is informed if an appeal has been launched after the 6 week deadline.

21. Occasions where retrospective applications are subsequently not subject to enforcement are few in number. Such an addition would require changes to Article 10 as well the delegation schedules.

Meeting of the Development Chairman and Vice Chairman

22. At the request of the Chairmen and Vice Chairmen of the development management committees, an informal meeting of that group was held with officers on 31 May 2018. They received a briefing on the background to the drivers of the current proposals. They have asked to make the point that it is their view that member applications should come before DDMC rather than Subcommittees as envisaged as DDMC is more remote and there would be better public perception on transparency of dealing with such applications.

23. Members of the Working Group are asked to consider the further comments and whether any changes are necessary at this point. There is the opportunity to make recommendations to the full Council in July 2018 on these proposals.