

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

POLICY DEVELOPMENT GROUP - WEDNESDAY, 28 JUNE 2017

Report Title	REVIEW OF PLANNING COMMITTEE SCHEME OF DELEGATION
Contacts	<p>Councillor Trevor Pendleton 01509 569746 trevor.pendleton@nwleicestershire.gov.uk</p> <p>Director of Services 01530 454555 steve.bambrick@nwleicestershire.gov.uk</p> <p>Head of Planning & Regeneration 01530 454782 jim.newton@nwleicestershire.gov.uk</p>
Purpose of report	To consider amendments to the Planning Committee Scheme of Delegation, and to make consequential recommendations to Council as part of the annual review of the Constitution which is likely to be completed in November.
Council priorities	<p>Value for Money</p> <p>Business and Jobs</p> <p>Homes and Communities</p>
Implications:	
Financial/Staff	None
Link to relevant CAT	Not applicable
Risk Management	None
Equalities Impact Screening	None
Human Rights	None
Transformational Government	None
Comments of Head of Paid Service	Report is satisfactory
Comments of Deputy Section 151 Officer	Report is satisfactory
Comments of Deputy Monitoring Officer	Report is satisfactory

Consultees	Chairman of Planning Committee Planning & Development team has provided detailed technical input to this report
Background papers	None
Recommendations	IT IS RECOMMENDED THAT POLICY DEVELOPMENT GROUP RECOMMEND TO COUNCIL THAT IT RESOLVE TO MAKE THE SUGGESTED CHANGES TO THE PLANNING COMMITTEE SCHEME OF DELEGATION WHICH ARE SUMMARISED IN PARAGRAPHS 3.1.1 - 3.1.3 AND SET OUT IN FULL IN APPENDIX 1

1.0 INTRODUCTION AND CONTEXT

- 1.1 It is good practice to keep the Planning Committee Scheme of Delegation under review. This was last completed in October 2016.
- 1.2 This report considers three issues, and the tracked document at Appendix 1 is intended to show both the current wording and the suggested wording, for ease of reference. The following section discusses the three issues in turn.

2.0 ISSUES TO ADDRESS

- 2.1 The current wording in the scheme of delegation is designed to promote openness of decision making, which as a principle is not at issue. There are some unintended consequences of such an approach, which are set out below.
- 2.2 The first unintended consequence of the current wording is that there is ambiguity about some of the newer forms of managing development that emerge from Central Government from time to time. These include certain Prior Notifications, Trees in Conservation Areas, and Non Material Amendments, together with other mechanisms. In some of these cases, a failure of the authority to determine them within a deadline that is set by Government results in a deemed permission, and the timings of the Planning Committee cycle precludes this. It is also the case that it would be disproportionately expensive for non-material amendments to be considered by the Planning Committee, especially given that they are not material and therefore there are no material considerations to be debated. It is therefore suggested that it be clarified that decisions via such mechanisms are always delegated and would no longer be eligible for call-in to committee.
- 2.3 The DEL1 trigger (which is a second, discretionary, opportunity for a ward Member to ask for an application to be considered by the Committee) is currently any representation which is contrary to the officer's recommendation. This procedure is not an automatic call-in, and the very low threshold puts unnecessary pressure on elected Members to seek for relatively minor developments to be considered by the Planning Committee. It is suggested that the threshold for the procedure to be triggered be changed to 10 objections to a recommendation to grant permission, to ensure that the applications 'caught' by the mechanism are genuinely significant. It is not considered necessary that the Committee considers applications that are recommended to be refused permission but have representations in support, because if permission is refused then the applicant has the right to appeal against that refusal.

- 2.4 The law of unintended consequences has led to the final issue that the Policy Development Group is asked to consider. The principle of openness of decision making, as applied, says that “reasonable steps will be taken to ensure Planning Committee considers applications submitted by a person who has served as a member or officer of the Council in the five year period before the application was submitted, or their respective co-habiting partners except for the approval of development which is unlikely to have any impacts and to which no objections have been received”. This has led to the situation whereby a local agent, who is married to a former Councillor who served within the last two years, has a disproportionately high number of applications considered by the Committee. It is therefore suggested that this section be amended to be clear that it applies (in an amended form) only to applicants and not to agents, and to narrow the scope to only serving officers and members.

3.0 SUMMARY OF SUGGESTIONS

- 3.1 The tracked change version at Appendix 1 sets out the full detail of the suggested changes, however for ease of reference these are summarised below:
- 3.1.1 To make it clear that Prior Notification, Prior Approval, extended Permitted Development, Conservation Area Trees, Non Material Amendment, and limited other mechanisms are delegated to the Director of Services;
 - 3.1.2 To amend the DEL1 trigger to 10 objections to an application that is recommended to be granted planning permission; and
 - 3.1.3 To amend the trigger for automatic call-in of applications submitted by officers and members within the last 5 years to make it clear that this applies only to the applicant and not agents or others, and to amend the subject to be current and not previous officers and members.