

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
18 MARCH 2015
REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

ALTERATION TO THE CALL IN PROCESS AND THE PROTOCOL

As Members will be aware the Head of Planning post has been deleted following a review by the Director of Development and Neighbourhood Services. This has implications in terms of the Call In process and the Protocol

This report therefore clarifies the resulting personnel changes to the Call In process and the Protocol

RECOMMENDATIONS

That the Planning Committee notes and confirms agreement to the changes

The Call In Process

The scheme of delegation provides for any Member to refer a delegated application to the Planning Committee which may also include a site visit subject to providing a written justification by letter or email on the Proforma and to satisfying the agreed criteria to be reported to Planning Committee, that Committee determine the application on the grounds of a matter of fundamental principle. An issue of fundamental principle shall be taken to involve the interpretation of a matter of policy which could undermine the purpose and objectives of the Local Plan or Local Development Framework, and where a member can demonstrate that the proposal would have such a prejudicial impact or effect on the area or Borough or its residents as to warrant determination by Planning Committee” issue of fundamental principle or an issue of precedent, both of which are defined within the Appendix of definition attached to the scheme of delegation.

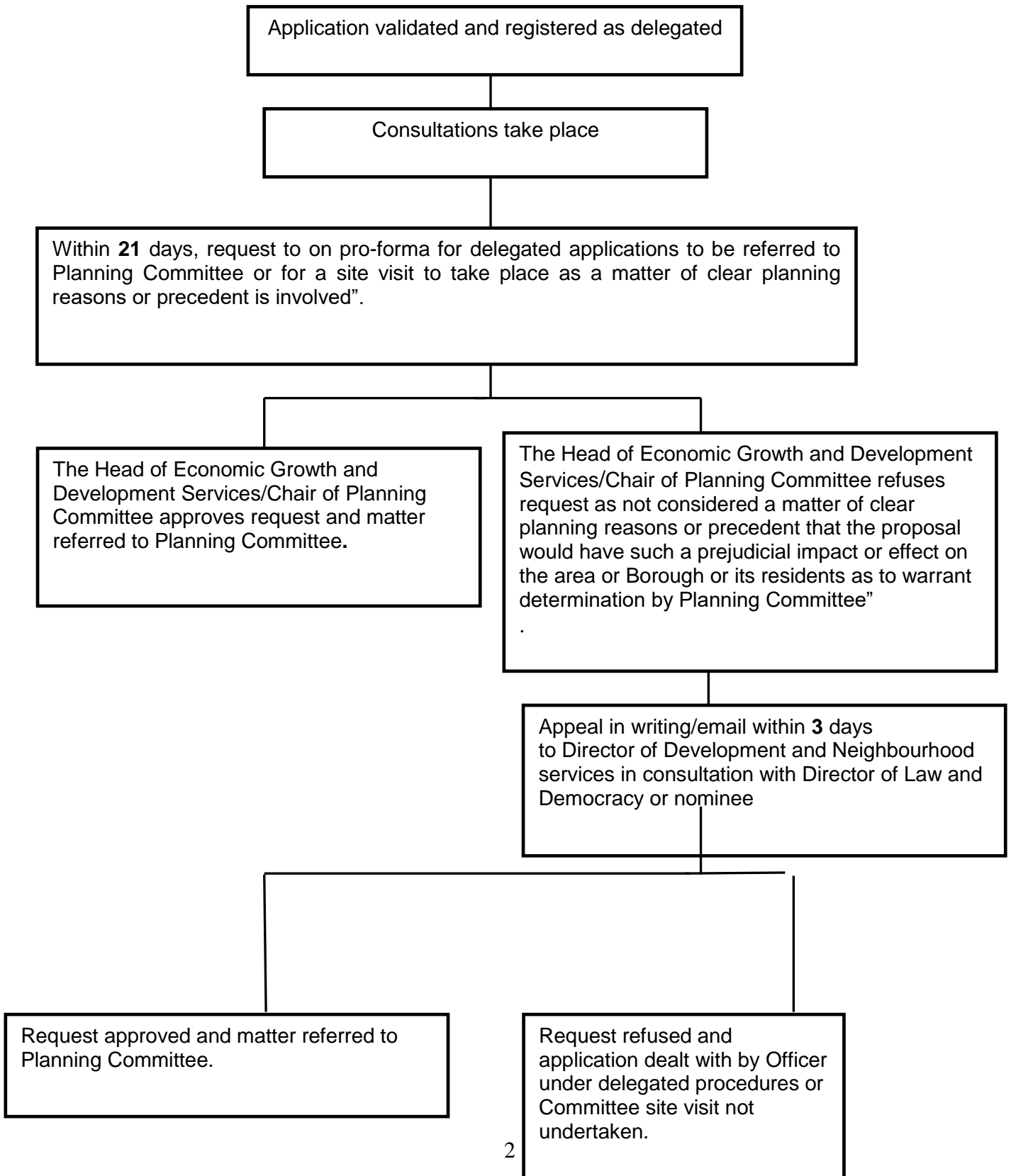
An issue of “fundamental principle” is defined within the Scheme of Delegation as “shall be taken to involve the testing of any part of the Local Plan or any Local Development Framework where the testing is key to the delivery of the core objectives of the Local Plan or LDF.”

If a Member wishes to formally request a site visit they should be aware the purpose of a site visit is not to allow objectors to have their say and speak to Committee Members, but to allow Members to view the site for themselves. This is the format and good practice used during Planning Inspectorate site visits on appeals. The official forum for the public to address Members is at Planning Committee itself, the reason for the introduction of public speaking in 2004 as part of the modernisation of the service

This request needs to be submitted to the within 21 days of publication of the details of the application. The Head of Economic Growth and Development Services and Chair of Planning in the first instance will arbitrate on the interpretation of the scheme and thereafter the Director of Development and Neighbourhood Services, in consultation with the Director of Law and

Democracy (or nominee) if there are any challenges to this decision. The flow chart below outlines this procedure.

CALL-IN PROCEDURE FOR DELEGATED APPLICATIONS FOR PLANNING COMMITTEE AND SITE VISITS.



The Protocol

The performance of the Planning Committee has previously been under review in an attempt to improve decision making, particularly relating to the procedures associated with those decisions made contrary to officer recommendations. A procedure was identified which was designed to give an opportunity for further consideration, by officers and Members, and to reduce the risk both in terms of reputation and potential costs. A protocol was agreed by Full Council firstly in October 2008 for a limited period and permanently since February 2011 that could be invoked in instances where Members were wanting to determine an application contrary to officer recommendation to defer the decision notice for three weeks whilst officers examined the reasons for refusal or acceptance against Planning Officers' advice were examined.

It was considered by Full Council that the protocol had not removed or diluted the democratic rights of committee members to determine a decision as they thought fit but allowed further time for consideration, reflection and investigation.

As Members will recall the Protocol is involved following consideration of a planning application and a full debate by Members and officers. The Committee will be asked to make a decision based on the evidence placed before them. In exceptional circumstances at future meetings if the committee is still minded to approve or refuse the application contrary to officer recommendation and contrary to the advice of the planning advisor and the legal advisor that the reasons provided appear unreasonable or unsustainable on appeal, the decision must be either 'minded to approve to minded to refuse the application'.

Following the meeting, Planning and Legal officers in consultation with the Head of Economic Growth and Development Services, the Corporate Director of Development and Neighbourhood Services and/or the Director of Law and Democracy will further investigate issues raised and whether the conditions/reasons are reasonable and sustainable. If it considered that they are the decision notice will be issued accordingly. If not, the Planning Committee members will be notified, giving them an opportunity to substantiate their reasons for the interim decision and seek further information as they deem appropriate prior to the application being considered at the next Planning Committee meeting who will make a final determination.

Corporate Director, Development and Neighbourhood Services

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FINANCIAL AND LEGAL IMPLICATIONS

None

RISK ASSESSMENT

None

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COMMUNITY SAFETY

The proposal has no direct impact upon community safety.

WARD AND WARD COUNCILLORS: ALL