

Report of	Meeting	Date
Introduced by the Executive Member for Partnerships & Planning	Full Council	19 July 2011

SCHEME OF DELEGATION (PLANNING)

PURPOSE OF REPORT

1. To recommend an amendment to the existing scheme of delegation to adopt a change proposed by Full Council on 5 April 2011.

RECOMMENDATION(S)

2. That the Scheme of Delegation for the consideration of planning applications within the Constitution be amended in line with the wording at paragraph 15 of this report.

EXECUTIVE SUMMARY OF REPORT

3. In response to a Motion at Full Council it was agreed that the Scheme of Delegation relating to the approval of planning applications be amended.
4. The amendment sought by Council was to enable ward Councillors to request an application for planning permission to be referred to Development Control Committee by filing a written objection based on only a material or substantial planning consideration.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

5. The amendment proposed will ensure that where members of the public raise through their ward Councillor material and substantial objections to an application for planning permission these will be considered by Development Control Committee. This will maintain transparency of decision making and principles of natural justice.
6. The amendment will improve the ability of Councillors to represent the residents of the Borough.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

7. Not amending the Constitution.

CORPORATE PRIORITIES

8. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	yes
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			yes

BACKGROUND

9. The existing scheme of delegation in relation to Planning has existed for a number of years with only limited amendment. A motion was put before Full Council concerning Local Democracy and the Planning Process. It sought that all planning applications are referred to Committee where at least one objection from a Ward Councillor who is acting following a written request from a constituent or constituents is received.
10. The motion was withdrawn on the understanding that there would be provision introduced for a Councillor to refer an item to Development Control Committee for decision where they submit a written objection based on “a material and substantial planning consideration”. The resolution also highlighted that a report would be presented to a future meeting of the Council to consider the change to the Constitution and to include provision for Ward member referral.
11. The constitution defines what applications are required to be determined by the Development Control Committee and this varies from 100% delegation of householder applications to no delegation for major applications and minor housing applications. The performance of the Council in terms of applications delegated over all applications in recent years has been, 2008/9 - 93.40%, 2009/10 – 91.43% & 2010/11 – 90.46% showing that the percentage of applications delegated has been dropping over the last few years.

Scope For Change

12. Planning Applications are subject to National Targets of 8 weeks for the categories of Minor and Other applications and 13 weeks for Major applications. Local Planning Authorities (LPA) are also able to sign up to a Planning Performance Agreement (an agreed timetable for determining an application) and there are no performance targets for such applications. Chorley has used this type of agreement for large applications such as Plocks Farm or Bank Hall.

Chorley Council encourage pre application discussions on all applications and have a procedure in place to deliver advice on applications. On Major schemes the Council advises applicants to have public meetings and for the applicant to engage with Members and residents to enable amendments to the scheme to be agreed prior to an application being submitted. This has resulted in community engagement including member involvement the aim of which is to reduce the potential for disagreement. The Localism Bill is seeking to include greater involvement of members in the whole process of the planning application and not just the decision.

13. The above resolution to the Motion at Full Council envisages the involvement of the Planning Committee in applications where there is particular concern about a development and where it is likely that community engagement and agreement has not worked. The use of the full democratic process should rightly be directed towards those decisions where an application or the recommendation is contrary to planning policy or there are material & substantial planning considerations to weigh in the balance in the public interest and to ensure transparency of decision making.

The inclusion of wording similar to the resolution to the motion would enable residents to present their case within the democratic process. The balance though is that applications where a decision could be made quickly and a refusal of planning permission be issued should not be delayed just to allow the application to go to Planning Committee. The resolution is clearly concerned with applications recommended for approval by officers and therefore any change to the constitution should be limited to that category.

It should be further noted that refusals of planning permission are subject to independent review at appeal, unlike approvals of planning permission, and it is therefore correct that

Planning Committee are able to focus on the cases where the concern of the local community is strongest.

Proposed Changes

14. That the Constitution be amended to provide for:
15. “Applications where an officer is minded to recommend approval and where there is a request from the Ward Councillor or Councillors within whose Ward the application relates or a request from an adjoining Ward Councillor whose ward, in the opinion of the Director of PPP, having received appropriate advice, in consultation with the Chair and Vice-Chair is materially affected by the application, to refer the application to committee based on a written objection to the application received by the Planning Department that is a “material & substantial planning consideration” (determination of a material & substantial objection will be determined by the Director PPP in consultation with the Chair & Vice Chair). The written request from the Councillor to be received within 4 weeks of the application appearing on the weekly list.”

IMPLICATIONS OF REPORT

16. This report has implications in the following areas and the relevant Directors’ comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	yes	No significant implications in this area	

COMMENTS OF THE HEAD OF GOVERNANCE

17. The amendments proposed are in accordance with the resolution of Council on 5 April. They extend beyond Councillors within whose ward boundaries the development is to take place to ensure that any Councillor whose ward residents are directly and materially affected may use the procedure, and this is clearly appropriate. The amendment arguably places Ward Councillors in a better position than members of the public, however, the use of this procedure is on a representative basis only and does not contravene the Council’s Code of Conduct.

LESLEY-ANN FENTON
DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

There are no background papers to this report.

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