

Agenda Item 9

Procedure for applications be determined by planning committee Requests from Parish councils

Author: Director of Planning and Transport

Parish / Wards Affected: All Parishes and Wards within Parishes

Purpose

- At the last meeting of the Planning Committee, members asked for a report to be brought before them to clarify the procedure / protocol for Parish Councils to request that applications are referred to planning committee for determination.
- To seek the approval of the Planning Committee for the adoption of a process for assessing such requests from Parish Councils, in accordance with the Scheme of Delegation, for a trial period of three months.

Recommendation

That the Planning Committee:

- a) agree that for a trial period of three months, from February 1st, the Director of Planning and Transport together with the Chair of Planning have the discretion to determine whether the representations of a Parish Council on an application raise significant planning issues and/or is locally controversial, such that the application should be brought before the planning committee for consideration or is determined under delegated powers. In making this judgement, the Director of Planning and Transport and the Chair of Planning will assess significance of impact and the extent to which the proposal is locally controversial based on the number and material content of objections raised.
- That Parish councils will be notified in writing within 5 working days of the decision of the Director of Planning and Transport and the Chair of Planning with the reason(s).
- b) in the event that the above recommendation is agreed, that all parish councils be informed in writing of the decision within 7 days.
- c) that a progress report be brought before members in May to update members how this arrangement has worked, together with any representations received.

1. Reasons

- 1.1 At the last meeting of the planning committee, three applications were brought before members for consideration at the request of Haydon Wick Parish Council. Members noted that no representative of the Parish attended to address the Committee and explain further their concerns.

Further information on the subject of this report can be obtained from *Andy Brown* on 466286 or Email andybrown@swindon.gov.uk

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- 1.2 . The Planning Committee asked for a report to be brought before them to clarify the present procedure / protocol

2. Detail:

- 2.1 The ability of Parish Councils to request that applications are considered by the Planning Committee dates back to April 2004 when the committee agreed a report to amend the scheme of delegation. This continues to be reflected in the relevant criteria of the scheme of delegation agreed by Council, and which forms part of the Constitution. This is also reflected in the in the Parish Protocol last amended in July 2004. It should be noted that there is no requirement placed upon a Parish Council to attend and address the committee, where they have 'called-in' an application.

- 2.2 The relevant wording in of the authority given to the Group Director Environment, Regeneration & Community relation to the determination of planning and other applications is as follows:

To determine all planning applications and related matters including, following consultation with the Director (Law and Democratic Services), the terms of legal obligations under Town and Country Planning and associated legislation

except where

(a) the Group Director Environment, Regeneration & Community determines it should be determined by the Planning Committee; or

(b) an application in writing requesting consideration by the Planning Committee has been received from a Member no later than 28 calendar days following validation of the application; or

(c) a Parish Council has requested in writing no later than 21 calendar days following validation of the application that the Planning Committee consider an application because it raises significant planning issues and/or is locally controversial.

- 2.3 Officers have generally exercised their delegated powers cautiously, and on the recommendation of the Director of Planning and Transport and the Head of Planning, have taken applications to Committee for determination where they are known to be controversial or likely to have significant environmental, economic, social or financial implications. In recent times, certain Parish Councils have tended to expect a right to request that any application be brought before members, whether or not good planning reasons have been given, in accordance with the exception under part (C) above.

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- 2.3 Whilst the three applications brought before the last meeting of the committee were due to objections from the Parish Council, in no case was it suggested that they raised significant planning issues or was any information supplied to suggest that the proposal was locally controversial. The fact that there were no representations made by neighbours or other members of the public (**check**) supports the view that these proposals were neither significant nor controversial.
- 2.4 Had the delegated authority been exercised in accordance with the agreed scheme it could reasonably been argued that these were applications that need not have been brought before members to determine.
- 2.5 The scheme of delegation has worked well since 2004, the speed and efficiency of the planning service has improved dramatically and it is felt that there is no need to carry out a major review of the 'call in' process. However, members may wish to seek to provide clarity with regard to the caveat that an application should be called in only if 'it raises significant planning issues and/or is locally controversial'.
- 2.6 It would seem appropriate to introduce a means of interpreting the Parish Council's comments to assess the course of action to be taken in the determination of an application, where the views of the Parish differ from those of Local Planning Authority.
- 2.7 Members are asked to agree the following procedure, which does not alter the scheme of delegation in any way but provides transparency on the interpretation.
- that for a trial period of three months the Director of Planning and Transport together with the Chair of Planning have the discretion to determine whether the representations of a Parish Council on an application raise significant planning issues and/or is locally controversial, such that the application should be brought before the planning committee for consideration or is determined under delegated powers. In making this judgement, the Director of Planning and Transport and the Chair of Planning will assess significance of impact and the extent to which the proposal is locally controversial based on the number and material content of objections raised.
 - in the event that the above recommendation is agreed, that all parish councils be informed in writing of the decision within 7 days.
 - that a progress report be brought before members in April to update members how this arrangement has worked, together with any representations received.

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2.8 Members will also be reminded that Parish Councils are now invited to planning training sessions that were formerly 'member only', and that derived from a recommendation by the Delegated decisions Scrutiny Panel

2.8 The Parish Charter and Planning Protocol referred to was last revised in July 2004. There are revisions currently under consideration and it is hoped that these will be shortly be agreed by the submitted to the Swindon Area Committee for its endorsement prior to its submission to the Borough and its Planning Committee. The changes in the protocol do not affect the clarification of the Boroughs procedures for which members approval is being sought

Risk Management

Financial and Procurement Implications

There are no additional financial implications arising from the recommended course of action which clarifies existing procedure.

Legal / Human Rights Implications

No additional Human Rights and Legal implications arise from the recommended course of action which clarifies existing procedure.

Other Risks – Diversity Considerations

A Diversity Impact Assessment has been undertaken on the Scheme of Delegation, which remains unaltered.

Links to Corporate Plans and Policies

The proposal reflects and clarifies the operation of an aspect of the Scheme of Delegation, agreed by Council.

Consultees

- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

Background Papers and Appendices

- Scheme of Delegation 2011
- The Swindon Borough Parish Charter – Planning Protocol 2004 (amendments currently under consideration)

Appendices

NONE

Key Decision / Decision in Forward Plan

No

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