

AGENDA ITEM

PLANNING COMMITTEE

DATE: 11TH MAY 2016

REPORT OF JENNY CLIFFORD, THE HEAD OF PLANNING AND REGENERATION

COMMITTEE DECISIONS 2015/16 WHICH WERE NOT IN AGREEMENT WITH OFFICER RECOMMENDATION.

Cabinet Holder Cllr Richard Chesterton
Responsible Officer Jenny Clifford

Reason for Report: To provide information where the Planning Committee has made decisions not in agreement with officer recommendation.

RECOMMENDATION: That the report be noted.

Relationship to Corporate Plan: Planning decision making is relevant to achieving corporate priorities: thriving economy, better homes, empowering our communities and caring for our environment.

Financial Implications: Risk of award of costs against the Council at appeal. See below.

Legal Implications: Planning authorities are not bound to accept the recommendations of their officers. However if officer's professional or technical advice is not followed, authorities need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority at appeal.

Risk Assessment: Risks associated with decisions proposed to be made contrary to officer recommendation are set out in an implications report that is brought before Planning Committee before the final decision is made. Local Planning Authority decision making by both officers under delegated authority and by Planning Committee must be robust, justified and capable of being defended at appeal.

- 1.0 Attached at **Appendix 1** is a summary of applications where the Planning Committee have made decisions not in agreement with officer recommendations. The report covers the period from 1st April 2015. Please note that whilst this report concentrates upon the 15/16 financial year, the attachment also includes a further 3 applications decided against officer advice at Planning Committee meetings on the 6th and 20th of April 2016. They are not included in the table below, being decided beyond the 15/16 financial year. (Please note that several applications also appear more than once on the attached list).
- 2.0 The number of cases during the 15/16 financial year was 7, 5 of which were Ward Member call ins. Comparison with the figures for previous years is as follows:

2009	2010	2011	2012	2013	2014	2015/16
8	10	6	11	12	3	7

4 were granted planning permission with conditions and 3 were refused permission contrary to officer recommendation. All 3 refusals have been appealed with 1 allowed, 1 dismissed and 1 currently under consideration by the Planning Inspectorate.

3.0 In accordance with the agreed protocol cases where Members wish to make a decision contrary to Officer recommendation requires a deferral of the item for the receipt of a report setting out the implications of the proposed decision and the reasons given with Members indicating the decision that they are minded to make. At the last meeting on 20th April 2016, Members indicated that this deferral for an implications report is to only apply where Planning Committee indicate a wish to refuse planning permission.

Contact for any more information	Head of Planning and Regeneration (Mrs Jenny Clifford) 01884 234346
Background Papers	Planning Committee agendas and minutes 2015 - 2016
File Reference	None.
Circulation of the Report	Members of Planning Committee, Cllr Richard Chesterton.