

REPORT OF MRS JENNY CLIFFORD, THE HEAD OF PLANNING AND REGENERATION

COMMITTEE DECISIONS 2016/17 WHICH WERE NOT IN AGREEMENT WITH OFFICER RECOMMENDATION.

Cabinet Holder Cllr Richard Chesterton
Responsible Officer Mrs Jenny Clifford, Head of Planning and Regeneration

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 2016 until 31st March 2017. (Please note that several applications appear more than once on the attached list).
- 2.0 The number of cases during the 16/17 financial year was 11, 9 of which were Ward Member call ins. Comparison with the figures for previous years is as follows and indicates a rise since 2014:

2009	2010	2011	2012	2013	2014	2015/16	2016/17
8	10	6	11	12	3	7	11

9 were granted planning permission with conditions and 2 were refused permission contrary to officer recommendation. The 2 refusals are currently in the process of being appealed.

- 3.0 In accordance with the agreed protocol, cases where Members wish to refuse permission contrary to an Officer recommendation for approval 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. Since April 2016, if Members wish to approve contrary to an officer recommendation to refuse permission, the protocol does not require that the item be deferred. However Members will need to give clear reasons for granting permission taking into account the requirement for the determination of planning applications to be in accordance with the development plan unless any other material planning considerations indicate otherwise. 9 such overturn cases were recorded in the last financial year.

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.