

Planning Appeals

LEAD MEMBER: Councillor David Moore
LEAD OFFICER: Neil White, Scrutiny Officer

Recommendation: that the Planning Panel is requested to consider the following recommendations and recommend to Council (via the Executive where appropriate) that:

- (1) The Development Services Manager's review of the amount of planning decisions that are made by delegated authority should be commenced and submitted to the Planning Panel as soon as possible,**
- (2) The final version of the Copeland Local Plan 2001-2016 should be published as soon as possible,**
- (3) A convention should be introduced that members of the planning panel should have attended training on development control and planning issues before they can serve on the panel, and**
- (4) A further six month review of these recommendations be undertaken to ensure that satisfactory progress is made on these outstanding matters.**

1. BACKGROUND

This Committee may recall that in the last civic year it agreed to set up a task and finish group to look at how appeals against planning decisions are dealt with by the council.

The Task and Finish Group completed its work and made a number of recommendations that were agreed by this Committee and considered by the Planning Panel in August 2007.

One of those was to have a six month review of the recommendations to assess the effect of the changes made by the recommendations.

2. RECOMMENDATIONS

The Task and Finish Group's recommendations and the progress made against each of the recommendations is detailed below.

- (A)** The amount of planning decisions that are made by delegated authority should be increased.

Progress: The Development Services Manager has been asked to prepare a report for a future Council meeting on the delegated authority system following consultation with the Planning Panel. Since that time the Planning Bill has been published. The Bill is likely to

be enacted later this year and to specify the types of development which should be determined by Council Planning Officers with a facility for a subsequent review by Planning Panel. There are no further details as to what types of delegated authority are envisaged by Government.

RECOMMENDATION: Whilst noting the effect that the Bill might have it is disappointing that nothing has been done since this was first recommended in August 2007. Recent Planning Panel meetings have run on for more than 3 hours and this may be a reflection that the level of delegation is not quite right.

In light of this the Group recommends that this review should be done in advance of the Bill so that the principles at least can be put in place. Changes resulting from the Bill should therefore be relatively limited.

The Development Services Manager rightfully reported some satisfaction with the recent increase in the council's figures for determining planning applications. The review of delegation should allow this improvement to continue. Without it the trend for longer and longer Panel meetings and recurrent site visits could put this improvement at jeopardy.

(B) Procedures for elected members to speak at Planning Panel meetings should be reviewed with the aim of ensuring that members rights to speak at Planning Panel are the same as those for members of the public.

Progress: The Task and Finish Group noted that Council had agreed the revised procedures for speaking at Planning Panel which made no differentiation between the rights and duties of ward members and objectors.

The Group considered this issue in detail and looked at a number of options that would give ward members more time to consider those applications where objections were likely. The options included having a weekly update on the progress of current applications, sending the Planning Panel agenda out earlier or changing the 7 days notice for requesting to speak at the Planning Panel changed to 5 working days.

RECOMMENDATION: All these options would add an unnecessary administrative burden on to an already small planning team for little gain. The Group felt that the procedures agreed at Council should be continued. It was important for both sides to have sufficient time to prepare properly before speaking at a Planning Panel meeting.

(C) Planning Panel's procedures should be amended to allow the possibility of a member of the public to speak at more than one meeting on a planning application if the need exists.

Progress: The Task and Finish Group noted that Council had agreed this revised procedure for speaking at Planning Panel.

RECOMMENDATION: that this procedure be continued.

- (D)** Planning Panel Members should be advised that the use of pre prepared written statements is not good practice and encourage them not to use such statements in the future.

Progress: The Task and Finish Group were informed that it was the officer's view that no such statements had been made since this change.

RECOMMENDATION: that this procedure be continued.

- (E)** Planning Panel's Members be made aware that a decision to refuse planning permission made on unreasonable grounds could leave the council open to an award of costs against it.

Progress: The Task and Finish Group were informed that officers would continue to do this if circumstances required it.

RECOMMENDATION: that this procedure be continued.

- (F)** That the Chairman of the Planning Panel be involved in the process to ensure that a Planning Panel's reason for refusal/approval of planning permission, where decisions have been made contrary to Officer recommendation, are correctly recorded;

Progress: The Task and Finish Group were informed that this was being done.

RECOMMENDATION: that this procedure be continued.

- (G)** That Planning Panel recommend to the Executive that greater priority and resources should be given to ensuring that the publication of the final version of the Copeland Local Plan 2001 – 2016 is achieved in the near future;

Progress: The Task and Finish Group noted with some concern that this matter had not been progressed at all. It was informed that there were resources to carry out this project and a meeting had recently been held with consultants where the production of the final version was discussed.

It was pointed out that the Copeland Local Plan will shortly (in about 18 months time) be superseded by the Local Development Framework and that publication of all aspects of the above plan as both hard copies in a web accessible format and with interactive maps would be an extremely costly exercise.

RECOMMENDATION: The Group felt that however, for that whole period until the Local Development Framework was established, the Copeland Plan would come under increasing attack by prospective developers and the Council's position would become weaker in defending planning applications without a consolidated Local Plan.

In light of this the Task and Finish Group felt that the final version of the Copeland Local Plan 2001-2016 should be published as soon as possible.

- (H) That the Panel recommend to the Member Training and Development Panel that training sessions on the role of Councillors in Planning take place every year and be for all Members of the Council;

Progress: The Task and Finish Group were informed that a Planning training session took place last autumn at which all members were invited. Some non-planning panel members attended. Planning sessions are again to be incorporated into the Member Training Plan for 2008/09.

RECOMMENDATION: The Group noted that it was best practise at a number of authorities for members of the planning panel to have attended training on development control and planning issues before they could serve on the panel.

The Group felt that this was a good idea and a convention should be introduced at the council along the same lines.

- (I) That a report is submitted to the Development and Enterprise Overview and Scrutiny Committee in six months time detailing the changes that the Panel has made to its procedures as a result of Task and Finish Group Review and the effect of those changes.

Progress: This report meets the requirement of this recommendation.

RECOMMENDATION: As there was still some progress to be made on a number of the recommendations the Group felt that it undertake a further six month review to ensure that satisfactory progress is made on these outstanding matters.

3. CONCLUSION

The Committee is invited to consider the recommendations of the Task and Finish Group at the head of this report.

List of Appendices

Appendix "A" – Matrix for Planning Panel

List of Background Documents:

None

MATRIX FOR PLANNING PANEL

RECOMMENDATIONS	SERVICE OFFICER COMMENTS (including any resource and legal implications)
(1) The Development Services Manager's review of the amount of planning decisions that are made by delegated authority should be commenced and submitted to the Planning Panel as soon as possible,	
(2) The final version of the Copeland Local Plan 2001-2016 should be published as soon as possible,	
(3) A convention should be introduced that members of the planning panel should have attended training on development control and planning issues before they can serve on the panel, and	
(4) A further six month review of these recommendations be undertaken to ensure that satisfactory progress is made on these outstanding matters.	