

PUBLIC QUESTION TIME

AGENDA ITEM 3

QUESTION:

MR G JACKSON will ask the following question:

“What are the written procedures, processes, schemes of administration and codes of practice and the time requirements for relevant Notices to be issued during the processing of planning applications including after the Committee has agreed to unanimously reject a planning application, and the Minutes of that Committee have subsequently ratified that unanimous decision, and under what administration system and under whose authority may County officials act using ‘exceptional special circumstances and criteria ’ (which are not in the public domain on the Council website or shown on the Planning Register) to allow the conduct of on-going private discussions with the applicant to the timely exclusion of those interested organisations and residents who expressed views on the original application and to re-present that same application to the Committee for determination? Copies of all relevant written documents would be of value.”

MR G FRENCH, Principal Planner, will reply as follows:

“There is no specific guidance covering the requirement to issue decisions after a committee resolution had been made. The expectation is that a refusal decision would normally be issued shortly after the resolution has been taken. This is having regard to the general time limit targets which Central Government has set for determination of planning applications (8 weeks for minors, 13 weeks for majors). There is however no requirement either nationally or locally which would prevent an application from being reported back again to Committee in exceptional circumstances.

The Council's Scheme of Delegation allows for officers to take some decisions unilaterally on planning matters. Decisions on whether to report an application back to committee fall within this category and a number of applications have been reported back to the Council's Planning Committees in recent months. It is emphasised that this procedure is only used in exceptional circumstances and the vast majority of Committee decisions are issued in full accordance with the Committee resolution.

Circumstances where reporting back to committee may be justified include:

- 1) Where the committee requires additional information in order to determine an application;

- 2) Where time is needed in order to consider the detailed wording of refusal reasons to ensure that they are robust;
- 3) Where significant new information becomes available which is material to a decision
- 4) Where there is significant concern regarding the ability to defend a refusal reason at appeal and the consequent risk of costs being awarded against the Council.

In the case of the Woodbatch Road application the Area Development Manager determined that there was a justification for reporting back to committee given the absence of objection from highway consultees, the fact that the SAMDev has not been adopted so limited weight can be accorded to it and given also the updated highway betterment package being offered by the applicant in the context of linkages with the nearby outline housing scheme at Lavender Bank'. This matter has been discussed with the local Member and the Chair of the South Committee.”