

## Partial Constitutional Amendments for Planning Control Committee

### SUMMARY

- 1.1 Part 2(a) of the current constitution states that Planning Control Committee will deal with:  
Determining individual applications for planning permission and advertisement control and any other application made under planning legislation where:  
  
*a. four or more objections have been received and the officer recommendation is to approve...*
- 1.2 The 'four or more' objection rule has been part of the constitution for over 20 years. Quite simply it has not moved with the times. Over recent years, the scrutiny afforded to individual applications by interested parties has grown appreciably and this threshold is often met, irrespective of the scale and complexity of the proposal at hand. This increasingly has implications for planning performance, given the time and resource issues of reporting items to committee. Planning performance is an important corporate factor in terms of local targets and Council scorecard measures. There are also established targets laid down by central government, which are reported quarterly to DCLG.
- 1.3 In the modern context of e-mail and social media opportunities, it is not uncommon, even with very minor applications, to receive four or more objections from the same household, or from spurious addresses that have clearly been solicited by a particular individual objector. This is clearly a misuse of the system and happens with greater frequency.
- 1.4 The challenge has been to devise a change to the system, which retains the required democratic element and permits members of the public the opportunity to trigger applications for committee scrutiny; and to balance that public participation with the corporate performance demands of the service and to reduce the number of applications that are reported to committee, as a result of relatively low levels of objection. Members should note that for applications that are not reported to Planning Control Committee, officers afford those delegated decisions an equal level of professional scrutiny and case reports and recommendations are proof read by senior

officers and freely available for perusal by interested parties.

## **RECOMMENDATION**

2.1 The deletion of 2(a) - the 'four or more objections' rule and replacement with:

*Fifteen (15) or more duly made objections (within 28 days of notification of an application) have been received, which raise material planning considerations and the officer recommendation is to approve permission / consent (objections from the same house or household or family members will be treated as a single objection).*

## **REASONS FOR RECOMMENDATION**

- 3.1 To 'refresh' the constitution for the Planning Control Committee so that it retains the demands of public participation and the democratic component of the system, with planning performance demands that have assumed increased levels of importance at corporate and central government level – as addressed in paragraph 1.4.
- 3.2 Members should note that it is not proposed to amend any other parts of the constitution at this stage.

## **SUPPORTING INFORMATION**

- 4.1 The current 'four or more' objection rule has been part of the constitution for over 20 years. Over recent years the scrutiny afforded to individual applications, by all interested parties, has grown appreciably and the threshold is often met, irrespective of the scale and complexity of the proposal at hand. In this world of increasing scrutiny, objectors use/misuse the system. This was borne out with the Palm Court application for residential redevelopment, when objectors and supporters were using various forms of social media to generate interest, and comments were received from across the globe. For minor applications it is not uncommon to receive four or more objections from the same household, or from spurious addresses that have clearly been solicited by a particular individual objector. This is clearly a misuse of the system and happens with greater frequency.

- 4.2 Members continue to have access to the ward based weekly list and this facility is the ideal opportunity to select items for presentation to committee, based on their judgement of the impact of the proposal in their area. Members also have the ability to request the presentation of items that have been prompted by constituent interest. The selection of report items by these means, and an on-going emphasis on this considered approach, would continue and it is not proposed to alter this part of the constitution.
- 4.3 Officers are professionally attuned to the importance of Planning Control Committee and will always promote the reporting of applications to committee for scrutiny, given their strategic importance, corporate importance or local importance – irrespective of the number of objections received. This is a qualitative judgement. For example, the residential development scheme at Mackworth College, for over 200 dwellings attracted less than 4 objections, but was reported to committee given the strategic importance of the scheme in terms of housing delivery and local impact etc. This is also the case for the on-going work at the Manor Kingsway site (another important strategic allocation) and a report was on the agenda for the May meeting, even though it did not trigger any specific requirement under the constitution. Officers work closely with the chair/vice chair in report selection and are acutely aware of the role, value and input of committee. This will continue.
- 4.4 The committee report writing process is time and resource intensive (involving case officers, consultees, proof reading officers, technical formatting responsibilities and constitutional services team) and the overall process adds at least 3 weeks to the application process (nearly 50% of the time for a minor application). In this era of reduced team levels and statutory performance targets/corporate scorecard measures, the proposed change would greatly assist in our on-going process review and performance work.
- 4.5 In terms of numbers there were 61 applications reported to Planning Control Committee over the period of 11 meetings from May 2013 to March 2014. If the proposed threshold of objections of 15 had been in place over that period, 22 applications *could* have been removed from that total. However, a number of those applications may still have been included on those individual agendas, based on the qualitative assessment outlined in 4.3.

#### **OTHER OPTIONS CONSIDERED**

- 5.1 An option promoted initially was the removal of an objection based threshold within the constitution altogether. This option was discussed with colleagues and the chair of Planning Control Committee and it would have aligned with constitutional arrangements at Nottingham City Council and Bolsover District Council. However it was felt that such a change would remove the participatory element of the constitution and it would, arguably, lessen public involvement within the decision making process.

**This report has been approved by the following officers:**

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Estates/Property officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	Janie Berry – Director of Legal and Democratic Services Not applicable Not applicable Not applicable Not applicable Janie Berry – Monitoring Officer
<b>For more information contact:</b> <b>Background papers:</b> <b>List of appendices:</b>	Ian Woodhead 01332 642095 <a href="mailto:ian.woodhead@derby.gov.uk">ian.woodhead@derby.gov.uk</a> None Appendix 1 – Implications

<b>IMPLICATIONS</b>
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**Financial and Value for Money**

- 1.1 There may be certain saving associated with reducing the resources devoted to certain applications although this would need to be assessed using a cost-recovery still approach over a period of time.

**Legal**

- 2.1 Amendments to the Constitution may be recommended by the Monitoring Officer, but require the approval of Council

**Personnel**

- 3.1 Part of this revision is associated with maximising the output of the planning casework team and other internal consultees.

**IT**

- 4.1 None arising directly from this report

**Equalities Impact**

- 5.1 None arising directly from this report

**Health and Safety**

- 6.1 None arising directly from this report

**Environmental Sustainability**

- 7.1 None arising directly from this report

**Property and Asset Management**

- 8.1 None arising directly from this report

**Risk Management**

- 9.1 None arising directly from this report

**Corporate objectives and priorities for change**

- 10.1 The revision of the constitution as part of an on-going focus on service improvements will contribute to Derby Plan priorities, particularly delivering

development that contributes towards a thriving sustainable economy.