

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	21 January 2020
Subject:	Annual Review of Planning Committee Decision-Making 2018/19
Report of:	Head of Development Services
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	3

Executive Summary:

The Council's Protocol for Councillors and Officers involved in the Planning Process requires an annual report to the Planning Committee on decision-making, to include the number of applications where Officers' recommendations were not accepted and the outcome of any appeal decisions. The Council's local Key Performance Indicators also require an annual review of Officer recommendations on planning applications overturned by the Planning Committee.

This report relates to the Planning Committee decision-making in 2018/19 and provides:

- a statistical analysis of all decisions taken by the Planning Committee (Appendix 1);
- an analysis of the cases where the Officers' recommendations were not accepted (Appendix 2);
- a summary of the outcomes of the appeals against decisions made by the Planning Committee in 2018/19 (Appendix 3); and
- a recommendation for consideration by the Planning Committee.

Recommendation:

To CONSIDER the contents of the report and whether a workshop for Planning Committee Members and Planning Officers on the planning policy context for Green Belt applications would be beneficial.

Reasons for Recommendation:

To inform the Committee of decisions made by it during 2018/19.

Resource Implications:

None as a direct result of this report.

<p>Legal Implications:</p> <p>None as a direct result of this report.</p>
<p>Risk Management Implications:</p> <p>None as a direct result of this report.</p>
<p>Performance Management Follow-up:</p> <p>None as a direct result of this report</p>
<p>Environmental Implications:</p> <p>None as a direct result of this report.</p>

1.0 INTRODUCTION/BACKGROUND

- 1.1** The Council's recently refreshed Protocol for Councillors and Officers involved in the Planning Process includes an annual review of Planning Committee decisions and provides at Paragraph 3.7:

A review of decision-making will take place each year through consideration of an annual report to the Planning Committee. This report will include a statistical analysis of all decisions taken (specifying the Officer recommendation) during the previous year and will report the outcome of any related appeal decisions. The analysis will also identify the number of cases where Officer's recommendations were not accepted. The annual report will be considered by the Planning Committee along with any recommendations to improve quality, consistency or performance.

- 1.2** Furthermore, the 2019/20 Key Performances Indicators for the Planning Service include the following new indicator:

Annual review of application recommendations overturned by the Planning Committee

In relation to this indicator, the Overview and Scrutiny Committee, at its meeting on 23 July 2019, agreed the templates for the review of recommendations overturned attached at Appendices 1-3.

- 1.3** This report relates to the Planning Committee decision-making in 2018/19 and includes:

- a statistical analysis of all decisions taken by the Planning Committee;
- an analysis of the cases where the officers' recommendations were not accepted;
- a summary of the outcomes of the appeals against decisions made by the Planning Committee in 2018/19; and
- a recommendation for consideration by the Planning Committee.

2.0 STATISTICAL ANALYSIS OF PLANNING COMMITTEE DECISIONS 2018/2019

- 2.1** The statistical analysis of decisions made by the Planning Committee is attached at Appendix 1. The information also includes data for the two previous financial years to provide contextual information. During 2018/19, 95 applications were considered by the Planning Committee, a reduction in the number of applications compared to previous year. This is likely to have been a consequence of the Joint Core Strategy being adopted in December 2017, which provided a clearer planning context and a housing land supply for the borough. During 2018/19 87 (92%) of applications were permitted and eight applications were refused.
- 2.2** Planning Committees can, and often do, make a decision which is different from the Officer recommendation. This may result from a different interpretation of the relevant planning policies, or that different weight has been ascribed to material considerations.
- 2.3** In 2018/19, the Planning Committee did not agree with the Officer recommendation for 12 (12.6%) applications. Of these, nine applications recommended for refusal were granted planning permission, with three applications recommended for permission being refused. The reasons given by the Committee for the Officer recommendation not being accepted are provided in Appendix 2 and are considered in Section 3 below.
- 2.4** The proportion of the Officer recommendations not being accepted (overturns) is similar to previous years as demonstrated in the table below. The proportion of decisions being changed from refuse to permit is higher than previous years.

Annual Planning Committee Decisions that Differed from the Officer recommendation 2016-2019

	no over turned	% over turned	No permit to refuse	No refuse to permit	% permit to refuse	% refuse to permit
2016-17	22	15.4%	9	13	40.9%	59.1%
2017-18	17	12.32%	5	12	29.41%	70.59%
2018-19	12	12.6%	3	9	25%	75%

- 2.5** Of the eight applications refused by the Planning Committee, four were subject to an appeal, two of which were dismissed and two allowed. Further information on the appeal decisions is attached at Appendix 3 and reviewed in Section 4 below.
- 3.0 ANALYSIS OF CASES WHERE THE PLANNING COMMITTEE DECISION DIFFERED FROM THE OFFICER RECOMMENDATION**
- 3.1** Appendix 2 provides details of each application where the Committee decision differed from the Officer recommendation, including a summary of the reasons for the recommendation and the reasons why it was overturned.

- 3.2** As set out above, there were three applications which were refused contrary to the Officer recommendation to permit. These decisions were based on the interpretation of policies relating to a range of matters and the weight applied to material considerations. Two of the refusals were subject to appeal and these are considered further in Section 4 below. In respect of the application for the stationing of mobile catering vehicle at Churchdown, the Planning Committee considered that the proposal would have an unacceptable impact upon the amenity of nearby residential properties.
- 3.3** For each application where the decision was to permit the application contrary to the Officer recommendation, the Planning Committee demonstrated good practice and compliance with the Council's Protocol and the Local Government Association's guidance (Probity in Planning for Councillors and Officers 2013) in that the reasons for planning permission being granted were clearly set out by the Committee and recorded in the Planning Committee Minutes.
- 3.4** Of the nine applications that were permitted, six related to applications in the Green Belt. This suggests that there may be a different interpretation of Green Belt policies between Planning Committee Members and Planning Officers. On the basis that there has been a high proportion of overturns relating to Green Belt applications; Members may wish to consider whether it would be useful for a workshop be held for Planning Committee Members and Planning Officers to enable further assessment of this matter.
- 3.5** In respect of two of the remaining three applications permitted by the Planning Committee contrary to the Officer recommendation, the Committee judged that the landscape impacts were acceptable. In respect of the third application, at 77 Barton Street, the Committee determined that there was no clear policy reason for refusal.

4.0 APPEALS AGAINST PLANNING COMMITTEE DECISIONS 2018/19

- 4.1** Details of the four appeals against Planning Committee decisions made in 2018/19 are attached at Appendix 3. Two of those appeals were made against decisions where the Committee had taken a different view to the Officer recommendation. One of those appeals was allowed, the other dismissed.
- 4.2** There were no applications for, nor awards of, costs against the Council in relation to any of these appeals.

5.0 CONCLUSIONS AND RECOMMENDATIONS

- 5.1** A significant number of Officer recommendations for refusal being overturned to permit for applications in the Green Belt indicates that there may be a different interpretation of Green Belt policies between Planning Committee Members and Planning Officers. Members may wish to consider whether it would be beneficial for a workshop be held for Planning Committee Members and Planning Officers to enable further assessment of this matter.

6.0 OTHER OPTIONS CONSIDERED

- 6.1** None.

7.0 CONSULTATION

- 7.1** None as a direct result of this report.

8.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 8.1** Joint Core Strategy www.gct-ics.org/
Protocol for Councillors and Officers involved in the Planning Process
Tewkesbury Borough Plan Pre-Submission Version (2019)
Planning Enforcement Plan
Council Plan
Development Services Action Plan

9.0 RELEVANT GOVERNMENT POLICIES

- 9.1** National Planning Policy Framework (NPPF) and Planning Practice Guidance – Updated February 2019 <http://planningguidance.planningportal.gov.uk/>
Probity in planning for councillors and officers (not Government policy but good practice advice endorsed by the LGA) [Probity in planning for councillors and officers](#)

10.0 RESOURCE IMPLICATIONS (Human/Property)

- 10.1** None as a direct result of this report.

11.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

- 11.1** None as a direct result of this report.

12.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

- 12.1** None as a direct result of this report.

13.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

- 13.1** Paragraph 3.7 of the Protocol for Councillors and Officers involved in the Planning Process requires an annual review of Planning Committee decisions. The Key Performance Indicators for the Planning service includes:
Annual review of application recommendations overturned by the Planning Committee

Background Papers: None

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Appendices: Appendix 1 - Statistical Analysis
Appendix 2 - Applications where Planning Committee decisions differed to officer recommendation 2018-19
Appendix 3 - Planning Committee Decisions 2018-19: Review of Appeals