

TEWKESBURY BOROUGH COUNCIL

Report to:	Overview and Scrutiny Committee
Date of Meeting:	23 July 2019
Subject:	Annual Review of Planning Committee Overturns
Report of:	Head of Development Services
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	1

Executive Summary:

The Overview and Scrutiny Committee on 8 January 2019 noted the Key Performance Indicators (KPIs) in relation to the Planning service. The Business Transformation Manager undertook to bring to Overview and Scrutiny Committee a template in respect of the annual review of application recommendations overturned by Planning Committee.

Recommendation:

To CONSIDER the template for the annual review of Planning Committee overturns.

Reasons for Recommendation:

The Business Transformation Manager undertook to bring to Overview and Scrutiny Committee a template in respect of the annual review of application recommendations overturned by Planning Committee.

Resource Implications:

None as a direct result of this report.

Legal Implications:

None as a direct result of this report.

Risk Management Implications:

None as a direct result of this report.

Performance Management Follow-up:

None as a direct result of this report

Environmental Implications:

None as a direct result of this report.

1.0 INTRODUCTION/BACKGROUND

1.1 The new key performances indicators for the Planning Service include:

Annual review of application recommendations overturned by the Planning Committee

On 8 January 2019, the Overview and Scrutiny Committee requested that the template for the review of Planning Committee overturns be brought to this Committee. At the Overview and Scrutiny Committee meeting on 9 April 2019, it was agreed that a populated version of the template be submitted for consideration.

1.2 It is good practice to identify the number of cases where Officers' recommendations were not accepted by the Planning Committee. The annual review would be considered by the Planning Committee and would identify if there are any actions required to improve the quality and consistency of decision making. These actions might include: a review of appeals decisions and lessons learned; a review of quality/clarity of Committee reports, Member briefing sessions on key topics; Member training; etc

1.3 The recently refreshed Protocol for Councillors and Officers involved in the Planning Process also includes an annual review of Planning Committee decisions. The Protocol 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.

The template has been designed to include the information required by Paragraph 3.7 of the Protocol.

2.0 REVIEW OF PLANNING COMMITTEE OVERTURNS TEMPLATE

2.1 Planning Committees can, and often do, make a decision which is different from the Officer recommendation. Sometimes it will change the outcome, from an approval to a refusal or vice versa. This may reflect a difference in the assessment of how a policy has been complied with, or different weight ascribed to material considerations. The template attached at Appendix 1 has been designed to provide sufficient information for the statistical analysis required by the Protocol and to enable an annual review of the reasons why decisions differed to the recommendation.

2.2 Part 1 of the template comprises a statistical analysis of all decisions made by the Planning Committee. It provides the number/percentage of decisions that changed from a permit to refuse and vice versa. Information on the number of decisions that differed from the Officer recommendation that were subject to a Member request for Committee determination is also included. For refusals against Officer advice, Part 1 identifies the number of applications appealed and also the outcome of the appeals, i.e. whether allowed or dismissed.

2.3 The template provides a statistical analysis for a three year period, April 2016 – March 2019, with both a three year summary and information for each individual year. This will enable an assessment of trends e.g. increase/decrease in % of decisions overturned, proportion permit to refuse and vice versa etc.

- 2.4** Part 2 of the template provides a qualitative analysis for the previous financial year, i.e. 2018-19, with full details of each application where the Committee decision differed to the Officer recommendation. The information includes site location, proposal, whether the change was from a permit or a refuse, a summary of the reason for the recommendation and the reasons why the Committee decision differed to the officer recommendation.
- 2.5** The Planning Protocol also requires an analysis of any related appeal decisions; further detailed analysis of this work is underway.
- 3.0 NEXT STEPS**
- 3.1** Following Overview and Scrutiny Committee consideration, the information collected will be reported to the Planning Committee in due course.
- 4.0 OTHER OPTIONS CONSIDERED**
- 4.1** None.
- 5.0 CONSULTATION**
- 5.1** None as a direct result of this report
- 6.0 RELEVANT COUNCIL POLICIES/STRATEGIES**
- 6.1** Joint Core Strategy www.gct-jcs.org/
Planning Enforcement Plan
Council Plan
Development Services Action Plan
- 7.0 RELEVANT GOVERNMENT POLICIES**
- 7.1** National Planning Policy Framework (NPPF) and Planning Practice Guidance – Updated February 2019 <http://planningguidance.planningportal.gov.uk/>
- 8.0 RESOURCE IMPLICATIONS (Human/Property)**
- 8.1** None as a direct result of this report.
- 9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**
- 9.1** None as a direct result of this report.
- 10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**
- 10.1** None as a direct result of this report.

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 At Overview and Scrutiny Committee on 8 January 2019, the Business Transformation Manager undertook to bring to Overview and Scrutiny Committee a template in respect of the annual review of application recommendations overturned by Planning Committee. At the Overview and Scrutiny Committee meeting on 9 April 2019, it was agreed that a populated version of the template be submitted for consideration.

Paragraph 3.7 of the Protocol for Councillors and Officers involved in the Planning Process requires an annual review of Planning Committee decisions.

Background Papers: None

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Appendices: Appendix 1 – Template for Annual Review of Planning Committee
Overturns