

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	16 February 2021
Subject:	Annual Report on Planning Committee Decision-Making 2019/20
Report of:	Development Manager
Corporate Lead:	Head of Development Services
Lead Member:	Lead Member for Built Environment
Number of Appendices:	Three

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 requires an annual review of Officer recommendations on planning applications overturned by the Planning Committee.

This report relates to the Planning Committee decision-making in 2019/20 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 2019-20 (Appendix 3).

Recommendation:

To CONSIDER the contents of the report.

Reasons for Recommendation:

To inform the Committee of decisions made by it during 2019/20.

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 Council's 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 key performances indicators for the Planning Service include the following 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 2019/20 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 2019/20.

2.0 STATISTICAL ANALYSIS OF PLANNING COMMITTEE DECISIONS 2019-2020

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 2019/20, 95 applications were considered by the Planning Committee, the same number as the previous year. During 2019/20, 79 (83%) of those applications were permitted and 14 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 2019/20, the Planning Committee did not agree with the Officer recommendation for eight (8.4%) applications. Of these, five 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) shows a reduction from previous years as demonstrated in the table below.

Annual Planning Committee Decisions that Differed from the Officer recommendation 2017-2020

	no over turned	% over turned	No permit to refuse	No refuse to permit	% permit to refuse	% refuse to permit
2017-18	17	12.32%	5	12	29.41%	70.59%
2018-19	12	12.6%	3	9	25%	75%
2019-20	8	8.4%	3	5	37.5%	62.5%

- 2.5** Of the three applications refused by the Planning Committee, one was subject to an appeal, which was subsequently allowed by the Inspector. Further information on the appeal decision is attached at Appendix 3 and reviewed in Paragraphs 4.1 to 4.2 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 to 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, two of these being on the same site, 6 Persh Way, Maisemore. These decisions were based on the Planning Committee taking a different view on the impacts of the playhouse that had been erected in the garden of the property on the living conditions of neighbours.
- 3.3** The other application refused by Committee following a favourable Officer recommendation, a Permission in Principle application at Minsterworth, is discussed in section 4 below.
- 3.4** Of the five applications which were permitted following an Officer recommendation to refuse, there was only one which related to land in the Green Belt, Crimmond at Stoke Orchard. In that case, the Committee took the view that very special circumstances existed to clearly outweigh the harm to the Green Belt. This is notable given that in 2018/19 there were six applications where the Committee overturned a recommendation to refuse development in the Green Belt.
- 3.5** Two of the remaining applications related to the same development (full and listed building consent) where the Committee took a different view to the Conservation Specialist in respect of the impacts on the setting of the Grade II* listed building. In the other two cases, Members took a different view to Officers in respect of the landscape impact, and in the case of Lower Langley Farm, it was judged that the personal circumstances of the applicants outweighed the harm to the Area of Outstanding Natural Beauty.

4.0 APPEALS AGAINST PLANNING COMMITTEE DECISIONS 2019/20

4.1 Details of the single appeal against Planning Committee decisions made in 2019/20 is attached at Appendix 3. The appeal was allowed.

4.2 There was an application for costs against the Council in relation to this appeal. The Inspector concluded however that the Appellant had not demonstrated unreasonable behaviour resulting in unnecessary expense during the appeal process as a result of the Committee's decision, and the application for costs was dismissed.

5.0 CONCLUSIONS

5.1 The analysis shows that the number of applications where the Planning Committee overturned the Officer recommendation in 2019/20 reduced from previous years. There are no particular planning considerations highlighted by the analysis.

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 performances indicators for the Planning Service include:

Annual review of application recommendations overturned by the Planning Committee

Background Papers: None.

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Appendices:

- 1 - Statistical Analysis 2019/20.
- 2 - Applications where Planning Committee decisions differed to Officer recommendation 2019/20.
- 3 - Planning Committee Decisions 2019/20: Review of Appeals.