

Report to Planning applications committee
10 November 2016

Report of Head of planning service

Subject Proposed change to dealing with late representations for
Planning Applications Committee

Item

5

Purpose

This report seeks to agree a new approach to dealing with late representations, those received beyond statutory or other specified consultation periods in the determination of planning applications.

Recommendation

To advise the head of planning services how late comments are handled and taken into account in the decision process for delegated and committee decisions for planning and other related applications.

Corporate and service priorities

The report helps to meet the corporate priorities a safe clean and low carbon city, a prosperous and vibrant city, a fair city and a health city with good housing.

Financial implications

There are no direct financial implications arising from this report.

Ward/s: All wards

Cabinet member: Councillor Bremner

Contact officers

Graham Nelson, head of planning services

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Background documents

None

Report

Background

1. The current approach is that comments – including neighbours, councillors, consultees and the applicant are accepted right up to when a decision is taken. This creates a number of difficulties, logistic problems for staff, potential rushed analysis and lack of scrutiny by the decision taker. There is also a risk of complaint if documents do not get to the right person before the decision is made, as for example, documents brought in by hand to City Hall reception may not reach the planning department until 24 hours later via the internal post. There is also scope for intentionally disruptive actions by objectors by leaving comments until the last minute.
2. Therefore some changes to existing arrangements are considered necessary. There are similar issues in relation to items that are delegated to be dealt with by officers and it would make sense to make changes to the procedures for those decisions at the same time. The existing delegation agreement makes it clear that “late” objections do not necessarily trigger a committee referral and it is not proposed to make any changes to that at present. The changes proposed in appendix 1 are operational matters and are not the direct responsibility of the committee and the recommendation is worded accordingly.
3. On 9 March 2016, cabinet considered a report on planning pre-application advice. Within that report there was section, for information rather than a decision, on the matter of late submission of comments, although the recommendation and decision did not relate to the issue. Paragraph 14 stated: In order to streamline procedures and to ensure that there are fewer last-minute changes to committee reports it is proposed that third party comments from the public that are received beyond the relevant consultation period (normally 21 days) in letters, press advertisements or site notices are not taken into account, trigger a committee referral and not be referred to in committee or delegated reports. In addition any correspondence received following the publication of the committee report (7 days ahead of the meeting), will not be summarised and referred to committee unless the report contains factual errors which need correcting. This will reduce workload and remove the need to prepare last-minute drafting of updates and reduce the information that Committee members have to read at the start of the meeting.
4. No changes have been made since March as the practicalities and reasonableness of changes in ways of working need to be carefully considered. For committee items option 3 would be the biggest change and could lead to complaint from objectors who may consider that it is unfair. Option 2 would be simple to administer and remove most of the late updates in the report given to members at the start of the meeting. The timing in option 1 matches up with the deadline for members of the public to submit questions to council and other committee meetings. For delegated decisions the same issue may apply for the committee option 3.
5. The committee’s views are requested.

Appendix 1

Committee decision

Existing	Option 1	Option 2	Option 3
Accepted up until the decision is made.	Accepted up until 10:00 three days prior to the meeting - on the Monday before a Thursday meeting	Accepted until the Committee report is made public (7 days in advance of committee)	Accepted until the latest of the statutory period or specified in correspondence or publication on line (minimum of 21 days, 14 days for amended plans)

Delegated decision

Existing	Option 1	Option 2	Option 3
Accepted up until the decision is made.	Accepted until the case officer completes the recommendation of decision (before being signed off by senior officer)	n/a	Accepted until the latest of the statutory period or specified in correspondence or publication on line (minimum of 21 days, 14 days for amended plans)

In all cases this applies to all comments received whether from the general public, members, consultees, or any representation or comment of the applicant / agent on a published report.

The only exceptions are:

- Fundamental issues which go the heart of the decision are raised and where it would be perverse to proceed without taking account of them
- Corrections of matters of fact
- Comments on proposed conditions, reasons for refusal or S.106 agreements that officers agree would improve the quality of the decision