



PL.03 13/14
Planning Committee
26 June 2013

Subject: Member Overturn Process

Report by:

Director of Regeneration and Planning

Contact Officer:

Nick Ethelstone
Acting Head of Developments and Neighbourhoods
01427 676629
Nick.ethelstone@west-lindsey.gov.uk

Purpose / Summary:

The purpose of the report is to set out the process for dealing with planning applications which are subject to a member overturn at planning committee.

RECOMMENDATION(S):

Members are asked to:

- Note the contents of the report.

IMPLICATIONS

Legal: none

Financial : none

Staffing :

Equality and Diversity including Human Rights :

none

Risk Assessment :

n/a

Climate Related Risks and Opportunities :n/a

Title and Location of any Background Papers used in the preparation of this report:

n/a

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

/

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

/

When a planning application is presented to committee officers make a recommendation to members whether the planning application should be granted or refused planning permission. If the recommendation is to grant planning permission then officers will also propose planning conditions whereas if the recommendation is for a refusal then there will be a reason/s setting out why the application should be refused.

If members, after considering the evidence, choose to make a recommendation against the officer's report then there are two outcomes. If it is to grant planning permission against officers' recommendations then members will be required to add any conditions which they feel are relevant to make the application acceptable. In this instance officers will support members at committee in formulating conditions which are applicable to the application and which meet the tests for planning conditions.

If members refuse planning permission then as part of their recommendation they must set out clearly the reasons why the application has been refused. Officers are available to discuss any concerns members may have prior to the committee or provide any clarification on relevant policies or planning issues.

Following a refusal of planning permission an applicant has the option to appeal the decision. In the case of delegated decisions or committee decisions in line with officer recommendations then officers will lead on preparing and submitting statements. If the decision is against officer recommendations then members must lead on the statement with one member (either on the planning committee or the local ward member) acting as a main contact. Officers will support members in preparing their statement and will deal with submissions and procedural issues. If the appeal is dealt with through a hearing then members will need to attend alongside officers. Officers will support members in preparing for a hearing.

For all appeals officers and members will work together to formulate responses on behalf of the Council which will clearly set out why a decision has been made. This will aid the inspector in making their decision and will also limit the likelihood of claims for costs against the Council.