

THURSDAY, 16 JUNE 2016

REPORT OF THE PORTFOLIO HOLDER FOR REGENERATION

GBSLEP – PLANNING GUIDANCE NOTES

EXEMPT INFORMATION

None

PURPOSE

To consider a set of guidance notes prepared by the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) that they wish each Local Planning Authority in the GBSLEP area to adopt.

RECOMMENDATIONS

- 1. That the report, the suggestions of officers, together with the views of the Planning Committee, are endorsed by Cabinet and formally submitted to the GBSLEP working party.**

EXECUTIVE SUMMARY

Guidance notes (see Appendices 1, 2, 3 and 4) relating to 1) Planning Conditions; 2) Member Involvement in the Planning Application Process; 3) The Pre-Application Process; and 4) Planning Obligations, have been produced by sub groups within the development management working party of the GBSLEP. Input into the guidance has been provided by a range of the interested parties with the aim of making a simpler and more unified development management experience for applicants in the GBSLEP area.

This work has been shared with Lord Taylor of Goss Moor, who chaired the group that led to the introduction of the on-line National Planning Practice Guidance, who was supportive of the approach and commented that:

“These guidance notes are an innovative collaboration between local authorities and the LEP to support better, quicker planning. ‘Joined up thinking’ is easy to say but too often not delivered in practice – but this approach helps deliver just that, with a best practice agenda in which both planners and developers are signing up to play their part. I thoroughly commend it.”

It was hoped that this work could then be taken to the member councils for agreement and adoption.

Officers agree that the general principles embodied within the Guidance Notes are sound, but have some concerns over some specific details. These details were reported to the Planning Committee on 29th March 2016 (see attached appendix 5).

Members of the Planning Committee indicated their general support for the officer's comments and added the following comments in respect of the Member Involvement Paper.

1. Members supported and would welcome greater opportunities to review completed schemes.
2. There were differing views on the objectors/supporters "right of reply" to clarify points of fact that they have raised. The majority seemed to think that in principle a "right to reply" is attractive, but there could be difficulties in the management of the process. In particular there is concern that the right to reply may generate a debate with toing and froing between the speaker and members. The comment was made that the Chair has the discretion to, if needed, seek clarification on matters raised by any speaker.
3. Members have interpreted "local engagement" differently to officers. They want a clear distinction made between formal pre-application enquiries and discussions relating to local issues/circumstances

OPTIONS CONSIDERED

None

RESOURCE IMPLICATIONS

This would not result in work other than that already contained within the service area budget.

LEGAL/RISK IMPLICATIONS BACKGROUND

The Government expects local planning authorities to perform in an effective and efficient manner to accord with the requirements of the National Planning Policy Framework. In particular paragraph 186 and 187 require authorities to adopt a positive approach to that foster the delivery of sustainable development. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Failure to comply with this requirement could result in the Borough Council not meeting performance targets set by the Government with the consequence that they could become a standards authority and lose control of determining planning applications.

SUSTAINABILITY IMPLICATIONS

If best practice, as advocated by the guidance notes, is not adopted sustainable development may not result

BACKGROUND INFORMATION

None

REPORT AUTHOR

LIST OF BACKGROUND PAPERS

None

APPENDICES

1. Planning Guidance Note – Planning Conditions
2. Planning Guidance Note – Member Involvement in the Planning Application Process
3. Planning Guidance Note – The Pre-Application Process
4. Planning Guidance Note – Planning Obligations
5. Planning Committee report 29th March 2016 (officer comments)

This page is intentionally left blank