

# ITEM No. 2

Report No 719/96

## ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

5 SEPTEMBER 1996

SUBJECT: DEVELOPMENT CONTROL COMMITTEE PROCEDURES

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

**Abstract:** This report makes certain recommendations to ensure consistency of treatment of late representations, etc. made in respect of planning applications appearing on the Committee agenda.

### 1 RECOMMENDATION

1.1 It is recommended to the Committee that as a normal rule:-

- (a) late submissions for or against planning applications be not accepted once the Committee papers have been compiled for printing; and
- (b) late deferral of applications be discouraged in favour of withdrawal and re-submission.

### 2 INTRODUCTION

2.1 The Council's Standing Orders very adequately cover the general procedures, delegation limits, etc. of the Development Control Committee but experience over five meetings has highlighted a requirement for certain additional procedural matters to be determined.

2.2 Specifically this relates to late representations and late requests to defer applications.

### 3 LATE REPRESENTATIONS

3.1 Angus District Council, in October 1994, ruled that late submissions by applicants, often prepared in response to the Director's report, would no longer be accepted for circulation to members, once the Committee papers had been compiled and printed.

3.2 Applicants are encouraged to submit supporting information with their applications but many leave it to the last minute and only submit such information when a recommendation of refusal is known to them. This can lead to a substantial number of papers being circulated at the which is unsatisfactory in that it may not be possible to give proper consideration to the material without delaying the proceedings. Experience has also shown that the late submissions do not contain new information but are directed towards rebutting points made in the Report.

- 3.3 Angus District Council did not, however extend this ruling to late objections which continued to be circulated at the last moment.
- 3.4 It is now proposed that in the interests of consistency of treatment, that neither written material in support or against be presented once the Committee papers have been compiled for printing. Excluded would be instances where in the opinion of the Director of Planning, Transport and Economic Development, essential new information has come forward or it has arisen that a neighbour was not properly notified in time.
- 3.5 As a balance to this ruling, should the Committee accept it, is the facility for an applicant or objector, with due notification, to attend and speak at the Development Control Committee meetings.

#### **4 DEFERRALS**

- 4.1 Once submitted, planning applications are the property of the Council and the power to defer lies with the Planning Authority and not the applicant. Prior to 1994, the practice in Angus District was to automatically defer an application at the request of an applicant.
- 4.2 With the introduction of performance indicators, the District Council became less receptive to requests for deferral, although in practice the Committee rarely refused a late request.
- 4.3 It is now recommended to the Development Control Committee that deferral of applications, once on the agenda papers, be discouraged. There may be instances where a compromise solution may be a genuine possibility or deferral results from Committee discussion or for good reasons is recommended by the Director but in other circumstances, as a general rule requests for late deferrals should not be accepted. As an alternative, an applicant would be at liberty to withdraw an application and re-submit a new application for which no fee would be required.

#### **5 FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications except perhaps in time-savings.

#### **6 CONSULTATION**

- 6.1 The Chief Executive, Director of Law and Administration and the Director of Finance have been consulted in the preparation of this report.

## 7 CONCLUSION

- 7.1 The adoption of the above recommendations will clarify the issue of late representations for officials and applicants/objectors, save Committee time and lead to a more efficient process for determining planning applications.

### NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/JJ/KW  
28 August 1996

Alex Anderson  
Director of Planning, Transport & Economic Development

