

Item No.

30

**Classification:**

**OPEN Date:**

**9 DECEMBER 2002 MEETING NAME**  
OVERVIEW & SCRUTINY COMMITTEE

**Report title:**

*DEPUTATION REQUEST: PLANNING PERMISSION GRANTED IN RESPECT OF BORLAND ROAD/STUART ROAD, SE15 (NUNHEAD ACTION GROUP)*

**Ward(s) or groups affected:**

All

**From:**

COUNCILLOR DOMINIC THORNCROFT

**RECOMMENDATION**

1. That Members consider whether to hear the deputation in respect of planning permission granted in respect of Borland Road/Stuart Road, SE15, and if so, agree on the procedure which should apply.

**BACKGROUND INFORMATION**

2. On 11 November 2002, Planning Committee considered planning applications in respect of the Thames Water Depot Site, Borland Road, SE15 and 1-3 Stuart Road, SE15. The reports to Planning Committee are attached at Appendix B.
3. Planning permission for both sites was granted by Planning Committee. The relevant extract from the draft Minutes for the meeting on 11 November 2002 are attached at Appendix C.
4. On 27 November 2002 a deputation request was received from Councillor Dominic Thorncroft (attached at Appendix D) on behalf of the Nunhead Action Group, as follows:

*“Local people want to make their feelings clear about the process by which the Planning Committee took the decision to allow the development of the Borland Road/Stuart Road sites.*

*They understand that it is not in the power of the Overview & Scrutiny Committee to change the decision but would like Councillors to listen to the range of concerns which they have about the way in which the decision was taken.*

*They hope that, if they feel it appropriate, the Committee will pass on a report regarding this matter to the Executive.*

*Local people believe that if the Council does not learn from mis-handled planning applications such as this, it will forfeit the support of the communities which it seeks to serve.”*

## Legal/Financial Implications

5. Council Procedure Rules and the Council's Constitution have procedures governing the making of deputations to both Council Assembly and the Executive. There are currently no rules which would permit the receipt of a deputation by the Overview and Scrutiny Committee or any of the Scrutiny sub-committees, or govern the procedure which would apply should a deputation request be agreed. At common law, the meeting has the power to regulate its own proceedings and it is therefore possible for the meeting to agree to receive the deputation, notwithstanding the absence of a specific power to do this.
6. If members are minded to agree the deputation request it will be necessary to agree the procedure which should apply and it is suggested that members use Council Procedure Rule 3.7 as a model.
7. Members will note that CPR 3.7(2) provides that deputations "shall not concern approval or otherwise of a current planning...application but may address any other issue within the direct responsibility of the Council..." CPR 3.10 provides that "Deputations ... received concerning Licensing or Development Control applications will not be considered by the Council Assembly. Any such representations received should be forwarded to the appropriate Proper Officer(s) for consideration as part of the formal consultation on such applications." There is a clear provision in the Council Procedure Rules that deputations and representations on planning and licensing matters are not received as deputations but are dealt with as part of the consultation on individual applications, with residents and objectors being afforded the opportunity of addressing the relevant committee about their concerns before the committee makes a decision.

## BACKGROUND DOCUMENTS

| Background Papers   | Held At   | Contact                                   |
|---|---|---|
| <i>Overview &amp; Scrutiny Committee:<br/>Agenda, Background Papers and<br/>Minutes</i> | <i>Constitutional Support Unit,<br/>3<sup>rd</sup> Floor, Town Hall, Peckham<br/>Road, London SE5 8UB</i> | <i>Lucas Lundgren<br/>T: 0207525 7224</i> |

## APPENDIX A

### Audit Trail

|   |   |                          |
|---|---|--------------------------|
| <b>Lead Officer</b>   | <i>Peter Roberts, Constitutional Support Unit –Scrutiny Manager</i> |                          |
| <b>Author</b>   | <i>Lucas Lundgren, Constitutional Support</i>                       |                          |
| <b>Version</b>  | <i>Final</i>  |                          |
| <b>Dated</b>  | <i>29/11/02</i>   |                          |
| <b>Key Decision?</b>  | <i>Not applicable</i>   |                          |
| <b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b> |   |                          |
| <b>Officer Title</b>  | <b>Comments Sought</b>  | <b>Comments included</b> |
| Borough Solicitor & Secretary   | Yes   | Yes                      |
| Chief Finance Officer   | No  | No                       |
| <b>Executive Member</b>   | No  | No                       |
| <b>Date final report sent to Constitutional Support Services</b>          |   |                          |