

# Planning Application Decision-Making Process (adopted Nov 2014)



---

## CONTENT

Chapter	Title	Page
1.0	Background	1
2.0	Adopted Ward Member Consultation Arrangements ( <a href="#">jump</a> ) Flowcharts to illustrate the decision-making process ( <a href="#">external link</a> )	2
3.0	Applications Subject to Ward Member Consultation Arrangements ( <a href="#">jump</a> )	4
4.0	Applications Exempt From Ward Member Consultation Arrangements ( <a href="#">jump</a> )	4
5.0	Review ( <a href="#">jump</a> )	5
Annex	Government's Category of Applications (PS2 codes) ( <a href="#">jump</a> )	6

## 1.0 BACKGROUND

### Authority for Decision-Making

1.1 The Council's Constitution (available to view on the website) places responsibility for the determination of planning applications and related powers with the Planning Board (Section 8). However, most of the routine planning decisions are delegated to the Corporate Manager for the Built Environment (Section 18) and this authority has been sub-delegated to the following posts:

- Planning Team Manager
- Principal Planner
- Principal Economic Growth Planner
- Senior Planner.

1.2 The Constitution specifies certain exceptions which are not within the scope of the authority delegated to officers and must remain with the Planning Board. These are set out in Chapter 4 of this document. One of these exceptions is:

*"matters which are referred to the Board in accordance with the Council's ward member consultation arrangements as approved by the Board from time to time."*

- 1.3 The purpose of this document is to set out the ward member consultation arrangements which apply to certain types of applications, and the authority for determining other types of application.

#### Previous Ward Member Consultation Arrangements

- 1.4 Ward member consultation arrangements for planning applications have been in place with the Council since 1999 and a number of changes have been made to these arrangements over the years. The last version was set out in the “Guide to the Determination of Planning Applications – December 2011” and is applicable to any planning application received prior to May 2014.

#### Best Practice

- 1.5 There has been no contemporary research into effective delegation arrangements although a number of publications over the last ten years have examined decision-making processes for planning applications and highlight good practice. “*Delivering Delegation*”, co-authored by the Office for the Deputy Prime Minister and Local Government Association in March 2004, is a useful reference source for an effective delegated process because it recognises that a delegated scheme is essential to improving performance and customer service and sets out a preferred approach and recommended framework for delegated decisions.
- 1.6 The Planning Advisory Service published a case study “*making your mind up – improving planning decision-making*” in April 2008 which identified how some planning authorities were improving the effectiveness and efficiency of making planning decisions via delegation and at committees to achieve better planning outcomes. Finally, the Killian Pretty Review titled “*Planning applications: A faster and more responsive system*” was commissioned under the last Government and aimed to investigate opportunities for improving the planning application process for the benefit of all involved. This Review advocated scope to implement best practice in delegation set out in the PAS’ case study more widely.
- 1.7 As part of the service review and having regard to the recognised best practice, new ward member consultation arrangements were developed and adopted by the Planning Board on 26<sup>th</sup> March 2014. These new arrangements applied to new applications received from May 2014 although the arrangements were amended by the Planning Board on 19<sup>th</sup> November 2014 and came into immediate effect.

## **2.0 ADOPTED WARD MEMBER CONSULTATION ARRANGEMENTS**

- 2.1 The arrangements described below are illustrated in summary and detailed flowcharts available online at <http://www.mendip.gov.uk/article/2004/How-We-Deal-With-Planning-Applications..>

#### **Ward Councillor Notification**

- 2.2 Ward Councillor/s will be notified by email of relevant applications (see Chapter 3) received in their Ward when all interested parties (e.g. Parish

Council and neighbours) are consulted. Ward Councillors will have 28 days from receipt to notify the case officer if they feel that the application warrants considerations by the Planning Board. Ward Councillors are encouraged to explain why but do not have to do so. The 28-day period was set because it was felt that Councillors would know whether a proposed development is likely to be contentious or complex upon receipt of a notification, and they would certainly be made aware of any issues raised by local residents and/or the local council within the 28-day period. This is explained in the leaflet sent to neighbour notification letters and available to view online at <http://www.mendip.gov.uk/article/2004/How-We-Deal-With-Planning-Applications>.

### **Planning Board Chair and Vice-Chair Referral**

- 2.3 If a Ward Councillor has 'called-in' an application within 28 days, the officer's report and recommendation will be referred to the Chair and Vice-Chair of the Planning Board, and copied to the Ward Councillor/s who called-in the application. The Chair and Vice-Chair then have five days to decide whether the application should be determined under delegated powers in accordance with the officer recommendation, by the Planning Board or determined under delegated powers contrary to the recommendation.
- 2.4 The Chair and Vice-Chair's power to request determination contrary to the recommendation relates to applications defined by the Government as 'minor' or 'other' and are listed in the Annex to this document. This can avoid certain non-complex/contentious applications having to be considered by the Planning Board. If a contrary decision is requested, the Team Manager or Principal Planner will assess the risk of doing so and the application will be determined accordingly under delegated powers where no risks are identified or referred to the Planning Board if risks are identified.
- 2.5 If the officer recommends an application for refusal and no one objects, the officer's report will be referred to the Chair and Vice-Chair for consideration (as above).

### **Ward Councillor Referral**

- 2.6 In addition to the 'call-in' procedure, the officer's report for an application will be referred to the Ward Councillor/s for consideration if the officer's recommendation runs contrary to the Parish Council's recommendation. The Ward Councillor/s will then have three working days to confirm that the application can be determined under delegated powers in accordance with the recommendation, or they can ask for the application to be considered by the Planning Board. If they request determination by the Planning Board, the application will be referred to the Chair and Vice-Chair of the Planning Board to decide (as above).

### **Other**

- 2.7 Applications not requiring Ward Councillor or Chair/Vice-Chair referral will be determined under delegated powers in accordance with the recommendation unless it is exempt from delegation, as set out in Chapter 4 of this document.

### **3.0 APPLICATIONS SUBJECT TO WARD MEMBER CONSULTATION ARRANGEMENTS**

- 3.1 The Government has set out in legislation a three-planning tier system to decide the appropriate level of permission, intended to make it easier for applicants to navigate the planning system. This has been referred to as 'The Planning Pyramid'.
- 3.2 Under this system, the smallest tier consists of full planning applications which the Government believes should be fully considered and determined by the local authority. This can include large-scale complex developments and those with the greatest impact on neighbours, the wider community or the environment. A larger tier beneath is a "lighter touch" intermediary route for applicants, described as "permitted development rights subject to prior approval". Prior approval is used to allow local planning authorities to consider certain specific planning issues that still require local considerations, but prior approval is automatically granted if the Council does not make a decision within a set timescale. The largest tier consists of wide-ranging permitted development rights for small-scale changes with little impact on neighbours, the community or the environment requiring no permission/approval from the Council.
- 3.3 The ward member consultation arrangements reflect the Government's three-tier system and therefore applies to the following types of application:
- Planning permission (outline and full)
  - Advertisement consent
  - Listed building consent
  - Reserved matters approval following outline permission
  - Variation/removal of conditions

### **4.0 APPLICATIONS EXEMPT FROM WARD MEMBER CONSULTATION ARRANGEMENTS**

#### Delegation to Officers

- 4.1 There are many types of application which do not require consultation and publicity and/or relate to matters of detail, or where permission is automatically granted if a decision is not made within a certain timescale (prior approval). The following types of application are therefore not subject to the ward member consultation and will be determined under delegated authority:
- Prior approval – change of use
  - Prior approval – larger rear home extensions
  - Prior approval – agricultural development
  - Prior approval – demolition
  - Prior approval – telecommunications
  - Approval of details reserved by condition
  - Confirmation of condition compliance
  - Lawful development/works certificates (existing and proposed)

- County matter consultations
- Hazardous substance consents
- Notification of hedgerow removal
- Notification of works to trees in a conservation areas
- Works to trees protected by Tree Preservation Orders

#### Determination by the Planning Board

4.2 The Council's Constitution (Section 18) requires the following matters to be considered by the Planning Board and are therefore not subject to ward member consultation arrangements or officer delegation:

- Where the officer's recommendation is for approval, but this would represent a significant departure from the Council's approved development policies;
- Where the proposal involves the Council as applicant or land-owner except where applications are for works to protected trees;
- Where the application is made by a member of the Council or by any of the Council officers listed below, or it involves land owned by any of them:
  - members of staff employed in the Built Environment group;
  - where the applicant is directly related or a close friend of a member of staff in the Built Environment group;
- Where a member of the Council or an officer is personally involved as agent, consultant or in any other advisory capacity;
- Matters which the Corporate Manager for the Built Environment (CMBE) considers should be considered by the Board due to their size, nature or impact, or for any other reason, including probity. In accordance with the provisions of the Council's Code of Good Practice for Planning, this may include applications submitted (whether as applicant or agent) by any person, firm or company closely connected with a member or officer of the Council;
- the revocation of any planning or other permission, with or without the payment of compensation by the Council;
- the discontinuance of use or alteration or removal of buildings or works with or without the payment of compensation by the Council pursuant to Section 102 of the Town and Country Planning Act 1990;

## **5.0 REVIEW**

5.1 Officers and the Planning Service Review Working Party - formed by Planning Board in July 2013 - will keep ward member consultation arrangements under review, and will refer any required changes to the Planning Board.

## Annex – Government-Defined Categories of Application (PS2 Codes)

This table applies to paragraph 2.4.

<b>Major Developments</b>	
Q1	Dwellings (=> 10 dwellings or site => 0.5 hectares if no. of dwelling not
Q2	Offices / R&D / Light Industry (=> 1,000 sqm or where site => 1 hectare)
Q3	General Industry / Storage / Warehousing (=> 1,000 sqm or where site => 1
Q4	Retail, Distribution and Servicing (=> 1,000 sqm or where site => 1 hectare)
Q5	Gypsy and Traveller Pitches (=> 10 pitches)
Q6	All Other Large-scale Major Developments (=> 1,000 sqm or where site => 1
(Codes Q7 – 12 no longer exist as major developments are no longer classified as 'large-scale' or 'small-scale')	
<b>Minor Developments</b>	
Q13	Dwellings (1-9 dwellings or site 0.01 – 0.49 ha if no. of dwgs not specified)
Q14	Offices / R&D / Light Industry (1 - 999sqm, or site 0.01 – 0.99ha)
Q15	General Industry / Storage / Warehousing (1 - 999sqm, or site 0.01 – 0.99ha)
Q16	Retail, Distribution and Servicing (1 - 999sqm, or site 0.01 – 0.99ha)
Q17	Gypsy and Traveller Pitches (1-9 pitches)
Q18	All Other Minor Developments (1 - 999sqm, or site 0.01 – 0.99ha)
<b>Other Developments</b>	
Q19	Minerals Processing
Q20	Change of Use (change of use only with no development)
Q21	Householder Developments (inc alterations to a single flat)
Q22	Advertisements
Q23	Listed Building Consents to Alter / Extend
Q24	Listed Building Consents to Demolish
Q25	Conservation Area Consents
Q26	Certificates of Lawful Developments
Q27	Notifications and prior approvals (e.g. agricultural, trees, telecommunications, hedgerow, electricity, change of use)