

### Members' Pre Application Panel Protocol

Should the view be that Members be involved in pre-application activity following the suggested as a way forward:-

Member's Planning Advisory Group to be comprised of:-

- The Chairman of the Development Control Committee.
- The Chairman of a possible Policy sub-committee or Policy Champion.
- Strategic Planning Portfolio Holder.
- Environment Portfolio Holder.
- Economy Portfolio Holder – as appropriate
- Communities Portfolio Holder as appropriate.
- Ward Members.

The system suggested for running this group would be as follows:-

- (i) Developers to make presentation to Member's Planning Advisory Group with Officers present.
- (ii) Members to have previously acquainted themselves with the site in question by a site visit.
- (iii) Members to ask questions of the Developers, seek clarification, test arguments but not to give any form of view in support or against the proposals.
- (iv) Advice on the way forward or changes to be made to the proposal would be provided by the Officers to the Developers in writing following advice from Members in a debate once the developers have left the meeting.
- (v) Any Member of the Planning Advisory Group who has a personal or prejudicial interest in the proposal should not form part of the group for that particular site.

Approved by Executive Board 6<sup>th</sup> June 2007

### Pre-Application site visits by Members and Planning Officers Protocol

- Councillor(s) and Planning Officer(s) should have a quick briefing consultation before the appointment on site. The need for confidentiality should be established if a pre-application meeting.
- Councillor(s) and Planning Officer(s) should arrive and leave together.
- Both Councillor(s) and Planning Officer(s) represent the Council, not the potential applicant/landowner/business owner/objectors or supporters.
- Neither Councillor(s) and Planning Officer(s) shall attempt to influence the others whilst on site.
- Emphasis at the end of the meeting that written confirmation of points made at the meeting (once the draft has been seen by the Member(s) present. Advise that advice is informal only.
- To put parties together
- To seek solutions
- To seek information / clarification / facts
- To stay neutral – no views, or expressions of support or objection shall be given.

No Councillor should give pre-application without a planning officer present, not to be drawn into negotiations with applicants.

Approved by Executive Board 18<sup>th</sup> March 2009 ?

## Calling Planning Application to Development Control Committee Protocol

### Major and Minor Planning Applications

Under the delegation scheme a Ward Member may call any major or minor planning applications to Development Management Committee provided the request is made in writing to the Head of Planning & Countryside Services and based solely on matters of material planning concern.

### Other/Householder Planning Applications

Where a Ward Member and the Head of Planning & Countryside Services are agreed on the recommendation (and the appropriate conditions for an approval) for a Other or Householder planning application the case will not be sent to the Development Management Committee for debate and a decision.

Where a Ward Member and the Head of Planning & Countryside Services disagree on the recommendation or conditions on an approval on Other or Householder planning application the following process will take place:-

That the proposed triggers for referring an application to Committee be amended as follows:-

- Once the report and recommendation has been drafted by the Senior Officer it will then be emailed to the relevant Ward Member(s) and copied to the DC Chairman (or Vice Chairman in their absence).
- The Ward Member will then have the opportunity to discuss the application with the senior officer if he chooses to do so or attend the delegation meeting and consider whether the material planning reasons stated, and the reason for committee decision, are sufficient to justify a committee decision being required.
- The final decision on whether or not an application goes to Committee will rest with the Chairman (or Vice Chairman) in their absence.
- The Chairman will urgently advise the relevant planning team as to whether the application should be delegated or go to Committee.

The final decision on wording to be made by the Corporate Director in consultation with the Chairman of the Working Group.

Under the present Delegation scheme the Head of Planning & Countryside Services has the unfettered right to send any planning application for determination by Development Management Committee.

Approved by Full Council 15<sup>th</sup> April 2009

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### Applicant Councillors and Officers and Council Development Protocol

Text.....

*Being developed.*

Approved by.....

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## Major Planning Applications Protocol

### Pre-Application

1. When initial contact is made with the Planning Services regarding a proposal that will lead to a major application being submitted the following protocols come into play:
2. A project team meeting will be convened, this should comprise the following:
  - Planning Officer
  - Team Leader
  - Development Control Manager
3. The applicant/developer will be asked to put in writing details of the scheme and accompanying drawings.
4. On receipt of information, consideration of proposal to be undertaken by the project team, which will also include the Head of Planning Services, housing, environmental health, conservation, design and highways input as necessary.
5. If the matter is straightforward, the planning officer will give comments to the applicant by telephone or letter as appropriate.
6. If the matter is not straightforward and the project team agree a meeting with the applicant/developer is necessary the applicant/developer will be invited to meet with the project team. Officers will provide initial views as far as they can at this stage.
7. The Head of Planning Services will report the contact to Corporate Director – Environment and it will be flagged up at Departmental Management Team meeting and its progress will be tracked at DMT.
8. Where it is agreed that the Councils written comments are needed, a letter will be sent to the applicant with officers' views of the proposal. This will be within 4 weeks of the meeting.
9. When the applicant considers that the application is ready for submission a further meeting with the Project Team is advised. At such a meeting a multi- disciplinary presence will be available.
10. The meeting will establish the resources required to process the application and likely potential blocks, for example, will the Council require specialist consultants or additional admin support for extensive consultation; a potential block for example, may be the concerns of the Highway Agency regarding capacity of the M5 thus transport models and prior dialogue with the Highways Agency may be required before an application is lodged with the District Council; but it could also involve an SSSIs that would need English Nature involvement etc.
11. The meeting will identify key consultees, those individuals and organisations that need to be involved in the project, such as highways, economic development, environment agency etc.
12. The meeting will identify key documentation that will need to be submitted to support the application, such as:
  - Environmental impact assessment
  - Sustainability assessment
  - Ecological Appraisal

- Transport assessment
- Retail impact statement
- Design statement
- Conservation appraisals
- Appropriate flood assessment etc
- Access statement
- Details of proposed planning obligations

13. The likely case officer will be identified at this meeting and if appropriate a lead Project Officer.
14. If the scale of the development justifies a project officer approach the Project Officer will take over the ownership of this project in terms of processing the application.
15. The meeting will establish a likely date for the submission of the application and an anticipated determination date that assumes the applicant will submit the documentation identified at the meeting.
16. The Case Officer/Project Officer will identify a work programme/project timetable that will detail:
- Date for advertising application
  - Consultation period
  - Possible exhibition
  - Public meetings
  - Deadline for receiving any amendments to original proposal – the assumption being that all major applications will go through at least one revision in responding to consultation exercise.
  - Deadline for writing reports to DC Committee
  - Date of provision meeting for DC Committee
  - Consideration of whether a steer from elected members is desirable prior to submission of the application.

### **Valid Applications**

17. The Project Officer/case officer shall determine the number of documents/drawings to be submitted with the planning application and shall verify the application can be validated for processing.
18. The developer should be encouraged to find out local concerns before designs are finished.
19. The Planning & Admin Manager and Press Officer will be notified when an application is to be submitted and shall be involved during the consultation arrangements.

### **Post Submission**

20. A project steering meeting of key officers will be set up and time-tabled to meet through to determination.
21. Consideration to be given to the involvement of the Building Control manager.
22. Minutes will be taken of the meeting and actions identified.
23. The minutes/action sheets will be forwarded to the Head of Planning Services for progress tracking at DMT.

## **Section 106 Agreements**

24. The Head of Member and Legal Services shall be informed at the earliest possible opportunity about possible involvement in drafting heads of terms of Section 106 Agreement. If there is a capacity issue that may delay the drafting of the 106 agreement the Head of Legal and Members Services will determine whether the drafting will be put out to the private sector.
25. When a major application is to be recommended for approval subject to a section 106 agreement, a full list of the proposed heads of terms should be attached to the Committee report.
26. The proposed heads of terms should be discussed with the applicant.
27. The solicitor acting for the applicant should be identified and contact with the Council's solicitor should be established prior to Committee.
28. Confirmation must be sought that the Council's legal fees will be covered by the applicant.
29. A draft in full of the proposed conditions should be discussed with the applicant.
30. Developers should be encouraged to make available to the Project Officer the results of viability studies on a confidential basis.

## **Schemes Requiring Revisions**

31. Central Government expects the Council to determine 60% of major applications, including the completion of associated legal agreements, within 13 weeks of the date of validation. The targeting of applications for a decision within this deadline will limit the opportunity to negotiate, or make changes to the submitted scheme.
32. Following validation it will not be possible to submit fresh drawings or modifications that alter fundamentally the nature and description of a proposed development. If this is desired then the submission of a fresh application will be necessary and the appropriate application forms will need to be completed.
33. In cases where a major application has been submitted without prior dialogue or where officers comments have been ignored, i.e., where significant revisions are required in order to make it acceptable, the application will be reported to Development Control Committee un-amended. The applicant will, however, have the option to withdraw the application prior to Committee decision and resubmit a revised scheme in the form of a new application.

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## **Planning Inspection Committee Protocol**

Site visits can cause delay in the process of determining planning applications and additional costs and should only be used where the expected benefit is substantial and a decision cannot be reached on the basis of the information provided by the Officers.

The reason(s) given by the Development Management Committee for a site visit must be recorded in the minutes of the meeting and be confirmed to the following overarching reason:-

- A site visit should normally only take place where the expected benefit of inspection to the decision making process is substantial and an appropriate decision cannot be taken without viewing the site and adjoining land/properties'.

Members of the Planning Inspection Committee will arrive together accompanied by a Planning Officer.

The following persons may also attend the site visit:-

- An invited Officer from another body e.g. a Highway Officer from Devon County Council or the Highways Agency, English Heritage, Environment Agency.
- A specialist officer from the Council e.g. an Environmental Health Officer, a Conservation Officer or an Arboricultural Officer.
- A representative from the Town or Parish Council in whose area the application site lies. Where an application site lies close to a Parish/Town boundary a representative from the adjoining Parish/Town may also attend.
- A Portfolio Holder or Member Champion with an interest in the proposal.
- The Chairman or Vice Chairman of the Council.

The following will not be permitted on the site:-

- The applicant, his/her agent or consultants (other than to allow access to the land/building)
- Objectors or supporters of the proposal.
- Councillors who are not the Ward Member(s).

The site visit is not part of the formal Planning Inspection Committee activity, but is an opportunity for Members of the Committee to see the site for themselves, in context and to seek clarification on matters of detail by asking questions. There shall be no debate on the site and no opinions or views will be expressed by any of the participants.

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**Kate Little**  
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**June 2009**