

Delegated and Committee Decisions: A Guide to Planning Procedure



What are Guides to Planning Procedure?

This is one of a series of Guides to Planning Procedure (GPPs) being produced by the Council to help you understand the planning process and how decisions are made. It sets out various internal processes and procedures that have been agreed. Separate guidance on planning policy is available through the Development Plan (including the Malvern Hills District Local Plan 1996-2011) and Supplementary Planning Documents. You may also find a further GPP “Your Planning Application – A Guide to the Decision-Making Process” useful.

1. How are planning decisions made?

The planning process has to take account of many different interests, policies and legal requirements. We encourage public participation in this process as set out in our *Statement of Community Involvement*. However, we recognise that the processes can seem confusing or daunting to those who may have previously had little or no involvement in planning.

The GPP “Your application – a simple guide to the decision making process” explains how we make planning decisions. This GPP explains which applications are reported to Committee and which are determined by Officers. The majority of planning decisions are determined by Officers in accordance with the powers given to the Head of Planning and Housing under the *Scheme of Delegation*. However, some are reported to either the Northern or Southern Area Development Control Committee, which usually meet once every month.



2. What is the “Scheme of Delegation”?

The Council operates a *Scheme of Delegation* which sets out the range of decisions that a stated Officer can make on behalf of the Council. In terms of planning applications, the majority of decisions are delegated to the Head of Planning and Housing, without the need for referral to a Committee. Delegated decisions are carefully considered by the Case Officer who makes a recommendation which is checked by Senior Planning Officers before a decision is reached. By operating a *Scheme of Delegation*, we are able to ensure that decisions are made in good time, and that the Committee can concentrate on the most contentious and significant proposals that affect the District. In many cases, it will not be known whether a decision will be delegated or be reported to Committee until public consultation has been undertaken.

3. What types of application are dealt with under the Scheme of Delegation and which go to Committee?

i) Delegated Decisions

Under the terms of the *Scheme of Delegation* the following types of application can be delegated:

- a) All applications for Certificates of Lawful Use or Development, applications for a Certificate of Alternative Development, Hedgerow Removal Notices, Applications for 'Prior Approval' of Telecommunication Development, Notifications of Telecommunication Permitted Development, Notifications of Agricultural Development, Consultations relating to Crown Land and Development, Overhead electricity lines and other development by Statutory Undertakers;
- b) Applications for planning permission, Listed Building Consent, Conservation Area Consent, Advertisement Consent, applications by other Local Authorities and applications for Reserved Matters where the Officer recommendation is consistent with all consultation responses or letters from third parties that have been received.

ii) Applications subject to the Member Referral Scheme

Under the terms of the *Scheme of Delegation* the following types of application will be subject to the *Member Referral Scheme* whereby a report will be sent to the Local Ward Members within whose area the application falls setting out the issues. The Local Ward Member(s) will determine whether the application should be reported to the Area Development Control Committee or can be delegated in accordance with the Officer recommendation:

- a) Applications for planning permission, Listed Building Consent, Conservation Area Consent, Advertisement Consent, applications by other Local Authorities and applications for Reserved Matters where the Officer recommendation is contrary to any consultation responses or letters from third parties that have been received.

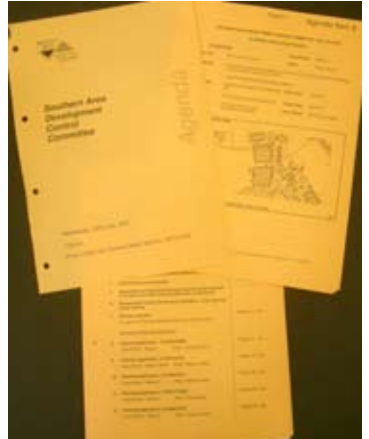
iii) Committee decisions

The following applications will be reported to the relevant Area Development Control Committee:

- a) All applications when the applicant is a Councillor or Senior Officer in the Council, or a member of staff in Planning Services
- b) Applications for planning permission, Listed Building Consent, Conservation Area Consent, Advertisement Consent, applications by other Local Authorities and applications for Reserved Matters where the Local Ward Member has requested that it be reported to Committee, whether following a Member Referral Report or not
- c) Applications for planning permission, Listed Building Consent, Conservation Area Consent, Advertisement Consent, applications by other Local Authorities and applications for Reserved Matters where 5 Councillors or more have requested that it be reported to Committee
- d) Any application where the Head of Planning and Housing deems it appropriate to report to Committee

4. What happens if a proposal is not delegated?

If a proposal cannot be dealt with under the Scheme of Delegation, it will be reported to the relevant Area Development Control Committee. Applications will not be reported to Committee because the applicant, objector or other consultee have so requested. A report will be prepared on behalf of the Head of Planning and Housing, which will summarise the relevant policies, issues and consultation responses and will include a recommendation.



5. Where can I see the Committee Report?

The agenda for the Area Development Control Committees is published 5 working days in advance of the meeting. It may be viewed on-line at www.malvern hills.gov.uk ("Your Council/Meetings, minutes and agendas") or at the Customer Service Centre (See "How to contact Us") and copies may be purchased.

If you have commented on an application or you are the applicant/agent you will be sent a letter 5 working days in advance of the meeting, informing you of the date and time of the meeting and the public speaking arrangements.

6. When and where are the Committee meetings held?

The Northern Area Development Control Committee normally meets on the first Wednesday of the month at 6pm, and the Southern Area Development Control Committee on the third Wednesday at 7pm. Meetings are normally held in Priory Lodge Hall, opposite the Council House in Malvern. For an up to date list of meeting dates, times and agendas, please contact a Customer Service Advisor or visit our website at the address given below.

7. What happens at the Committee meeting?

If an application cannot be dealt with under the scheme of delegation, it will be reported to the relevant Area Development Control Committee along with any other applications. At the meeting, the Chairperson will introduce the item and invite an Officer to run through the details of proposal, briefly summarising the case, including the Officer recommendation. A representative from the Town or Parish Council, followed by an objector, followed by a supporter, will then be invited to speak. A separate leaflet "Public Speaking on Planning Applications" explains how to register to speak and the rules for public speaking. Once any public speaking has taken place, the Local Ward Member will usually open the discussion. Councillors may also ask further questions to the Officers.

A Councillor will either move the Officers' recommendation or make a counter motion. If this is seconded, Members of the Committee will vote on the motion. The motion is passed if there is a majority in favour.

8. Can I contact my Councillors?

Councillors are an important source of local knowledge and advice and may be contacted. They are elected to represent you on the District Council, but they also have to make decisions taking into account wider issues, including the law and relevant planning policies. It is important to bear in mind that they operate under a formal code of conduct, which means that they will not be able to express an opinion on a proposal that they may need to consider formally at a later stage. You can find details about your local Councillor on our website or by contacting a Customer Service Advisor.

How to Contact Us

For further information about the Planning Department, including further guidance on delegated and Committee decisions and making appointments to see a Customer Service Advisor or the Duty Planning Officer, please call 01684 862151. Alternatively, visit us at the Customer Service Centre in Great Malvern Library, Graham Road, Malvern (Opening Hours Monday to Friday 9:00am to 5:30pm) or visit the District Council's website www.malvern hills.gov.uk/planning where all new planning applications, including drawings and representations, may be viewed.

Need help with this? Tel: 01905 25121

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