

Introduction

The power to determine “**Planning Applications**” rests with either a Committee (Planning Committee, but occasionally Regulatory & Appeals Committee), or more usually is delegated to Senior Planning Officers (sometimes in consultation with the Chairman of Planning Committee). Around 98% of applications are determined under delegated authority.

From 1st April 2009 there were small changes to the process used by Members to call applications to committee. These changes to the scheme of delegation were approved by Full Council on 26th February 2009; and these were subsequently refined by Full Council on 16th December 2013.

Their objective was to reduce the number of applications referred to Planning Committee. This allows the “Committee” to use its limited resources more effectively to focus on issues of more strategic significance.

Applications considered by Committee

Under the Council Constitution Planning Committee determines:

- (a) District-wide developments (Tier 1 in the Statement of Community Involvement) which represent departures from the Development Plan.
- (b) Any “major” planning application “called up” to Planning Committee at a Member’s request, or where the Head of Planning & Sustainability chooses not to exercise his/her delegated authority.
- (c) Any “minor” or “other” applications where the Head of Planning & Sustainability chooses not to exercise his/her delegated authority, either at their own volition or following a request by a local member and in consultation with the Chairman of Planning Committee. A detailed summary is attached as Appendix A.

In line with good practice however if the Planning Committee is going to make a decision which falls within the categories set out in the table below it loses its decision making power, and authority to determine the application transfers to the Regulatory & Appeals Committee (R&A).

Such a safeguarding measure is used by many Authorities to ensure sound decision making, and for Wycombe the criteria for referral to R&A Committee is:

1. Determination of any application (after initial consideration by Committee) which in the opinion of the Head of Planning & Sustainability, after consultation with the Chairman of the Planning Committee. would if determined in the manner in which the Committee would wish to see it determined:
 - 1.1. Expose the Council to a substantial risk of incurring or being ordered to pay substantial costs, or,
 - 1.2. Be both substantially inconsistent with adopted or emerging planning or other policies or programmes and would compromise the future application or implementation of those policies or programmes.
2. Determination of applications relating to land under the control of the Planning Committee or the Planning & Sustainability Service.

For the avoidance of any doubt this refers to land-holdings under different control within the Council e.g. General Estates (commercial premises), Community (parks and community buildings), etc. Under the Councils current structure, neither the Planning Committee nor the Planning & Sustainability Service have control over such land and so this provision will not apply.

In fact very few applications are referred to the Regulatory & Appeals Committee, only around one a year. Where possible these decisions are made at the time that the Committee are considering the application, but such a referral can take place subsequently if circumstances dictate.

Delegated to Officer

The majority of applications are straightforward and capable of being determined by a Senior Planning Officer. In line with acknowledged best practice Wycombe has for many years consistently determined a high number of applications received under delegated powers.

With very few exceptions all applications begin life delegated to Senior Officers, and all application not included in the above list for Committee or DELCH are “Delegated”. The table set out in Appendix A provides full detail.

Delegated in Consultation with Chairman (DELCH)

As an interim between full delegated powers and automatic consideration by the Planning Committee we have **DELCH** applications. This process ensures only those applications which would benefit from additional scrutiny are referred to Committee, allowing the others to be determined under delegated powers.

In such cases, prior consultation with the Chairman (or in the Chairman’s absence, the Vice-Chairman) of Planning Committee is required where the application seeks approval for:

- 1) Confirmation of Tree Preservation Orders where objections are received.
- 2) Determine developments which represent departures from the Development Plan (with the exclusion of Tier 1, District-wide developments which are considered at Planning Committee), and,
- 3) Determine Householder, Listed Building Consent, and “minor” developments, if requested by a Ward Member (in line with the agreed referral process).

The procedure for Members to request an application be considered at Planning Committee, (the referral process), is set out in detail at Appendix B.

Appendix A: Detailed Scheme of Delegation

Members can comment during an applications consultation period (usually 21 days, but can vary depending on application type).

Members can call up all “Major” applications (as defined by the Department of Communities and Local Government for statutory monitoring purposes). This included 10 dwellings and above, or floorspace built is greater than 1,000 square metres, or site area is greater than 1 HA (offices, retail, general industry, etc), or greater than 10 gypsy and traveller pitches.

Members cannot automatically “call-up” applications for Minor development (Between 1 and 9 dwellings or where the floor space built is less than 1,000 square metres, or the site area is less than 1 HA (offices, retail, general industry, etc), or less than 10 gypsy and traveller pitches, **Planning applications for “householder” development** (extensions, sheds, fences, etc) or applications for **Listed Building Consent**. In such cases where the Members view does not accord with the recommendation proposed the application will be considered in consultation with the Chairman of the Committee in accordance with the DELCH procedure.

<p>Applications for Planning Permission: including full, outline, reserved matters, applications for time limited permissions, renewals, and for the variation & removal of conditions (including applications under section 73 of Town and Country Planning Act 1990).</p>	
<p>Major planning applications:</p> <p>Ten dwellings and above, or floorspace built is greater than 1,000 square metres, or site area is greater than 1 HA (offices, retail, general industry, etc), or greater than 10 gypsy and traveller pitches.</p>	<p>Can be automatically “called up” to Planning Committee by Members.</p>
<p>Minor planning applications:</p> <p>Between 1 and 9 dwellings or floorspace built is less than 1,000 square metres, or site area is less than 1 HA (offices, retail, general industry, etc), or less than 10 gypsy and traveller pitches.</p> <p>Other: Planning applications for:</p> <ul style="list-style-type: none"> Householder Development. 	<p>If Member does not agree to the use of delegated powers, Head of Planning & Sustainability to be requested to consider taking to the Planning Committee, following consultation with the Planning Committee Chairman.</p>

Non “Planning” Applications: In addition to applications for **planning permission** we consider the following application types:

Other: applications for:

- Listed Building Consent.

If Member does not agree to the use of delegated powers, Head of Planning & Sustainability to be requested to consider taking to the Planning Committee, following consultation with the Planning Committee Chairman.

Other: applications for:

- Advertisement Consent,
- Certificates of Appropriate Alternative Development,
- Notifications (telecoms, agricultural, demolition, permitted development changes of use, etc).

Delegated applications, no “call up” power.

In addition to those types of application monitored by the Government under the category of “**Major**”, “**Minor**” & “**Other**”, further application types submitted which the Local Planning Authority must consider. These include:

Delegated applications, no “call up” power.

- Modify or discharge a section 106 legal agreement.
- Applications to carry out works to trees protected by a TPO.
- Applications to carry out works to trees within a Conservation Area.
- Determinations and approvals for agricultural and forestry buildings and operations.
- Application to carry out works by telecommunication code system operators.
- Notification of building demolition.
- Application for Hazardous Substances Consent.
- Hedgerow removal notices.
- Consultation from adjoining authority.
- Consultation from County Council (County Matter applications).
- Details for Local Authority Approval (Discharge of a planning condition, Submission of Materials, etc).
- Revocation or modification of planning permission.
- Post-decision non-material amendments.
- Certificates of Lawfulness.

Appendix B:

Procedure for Members to request “Call up” to Planning Committee.

Members are consulted by means of the Members Weekly List. This provides details of all applications received and the deadline by which responses are required.

Members can view application details through the Councils web site using “Public Access”.

<http://publicaccess.wycombe.gov.uk/idxpa-web/search.do?action=simple&searchType=Application>

They make comments through “Public Access” on the Council web-site (or alternatively e-mail comments to planning@wycombe.gov.uk).

Any Member comments received are published on the web site.



Where a member has made comments within the consultation period (as set out on the Members Weekly List), which are contrary to the officer recommendation they will be emailed the planning application report setting out the issues and how they have been considered. (At the same time the Chairman of Planning Committee will be copied into this email so that he/she is aware of the consultation).

The Member will have a period of up to 14 days to either:

- Contact the case officer and agree for the delegated decision to be made, or,
- If after reading the report and meeting or discussing this with the case officer and/or Senior Officer a Member is still concerned, then they can request that the Chairman of Planning Committee be consulted. Such request must set out what the Local Member would like Planning Committee to particularly consider.
- The Chairman will then have up to 7 days to consider such a member request.

In consultation with the Chairman a decision will be reached as to whether to allow the application to proceed under delegated powers, or whether it raises issues of such **significance** that it should be considered by the Planning Committee.

As the Council's performance on the determination of applications is closely monitored, if for whatever reason the Member has not responded within 14 days then the application will proceed to determination under delegated powers.