

# THE PROTOCOL FOR DELEGATING PLANNING DECISIONS TO OFFICERS

## Revisions agreed by the Planning & Regulatory Committee 4 July 2007

All planning applications are delegated to the Director of Development and Environment to decide with the following exceptions which will be determined by the relevant Area Committee:

- Any application which any Councillor requests be decided by Committee in accordance with a code of practice.
- Applications submitted by or on behalf of the Chief Executive Officer, a Director or Assistant Director of any Directorate (or equivalent); or a Group Manager in Development and Environment other than applications made on behalf of the Council.
- Applications submitted by or on behalf of any elected member of North Somerset Council.
- Applications submitted by or on behalf of any member of staff whose normal place of work is either within Somerset House or the Town Hall in Weston-Super-Mare
- Applications submitted by or on behalf of any member of staff whose works within the Development and Environment Directorate and whose normal place of work is Kings Court Nailsea or Weston Court, Weston-super-Mare.
- Applications submitted by or on behalf of North Somerset Council or on land owned or part owned by the Council where that application is either more than 1000sq.m in floor area; or where the total number of residential units proposed is 10 or more; or where a material planning objection has been received which is contrary to the officer's recommendation.
- Any application where it is recommended that permission be granted contrary to the development plan.
- Any application which the Director of Development & Environment considers should be decided by Committee.
- Applications where the decision would conflict with an objection received from English Heritage, Natural England, the Environment Agency or the Highways Agency.

### Notes

1. For the avoidance of doubt, any application where it is recommended that permission be granted contrary to the development plan will be referred to the relevant Area Committee for decision regardless of the status or nature of the applicant.

2. Applications submitted by the spouse or partner of a Councillor or staff member to whom the protocol applies will be treated as if they had been made by the Councillor or staff member personally.
3. Should there, in any individual case, be a doubt over the interpretation or transparency of these arrangements, the Development Control Manager (in consultation with the relevant Area Committee Chairman if appropriate) will decide whether the application ought to be referred to a Committee for decision
4. Under the Council Constitution, the following matters are reserved to the Planning and Regulatory Committee for decision:-
  - (a) applications which are considered by the Director of Development and Environment to be inconsistent with the Council's planning policies;
  - (b) applications which in the opinion of the Chairman of the Planning and Regulatory Committee (or in his absence the Vice-Chairman) or the Chairman of the Area Committee (or in his absence the Vice-Chairman) are controversial or inconsistent with the Council's planning policy;
  - (c) revocation orders and planning applications related thereto, although the Area Committee has the right to make recommendations to the Planning and Regulatory Committee.
5. The powers delegated to the Director are exercised on a day to day basis by the front line managers responsible for the running of the service. These are the Group Manager, Team Leaders and nominated deputies

## The Code of Practice for Referral of Planning Applications **and Enforcement Cases** by Councillors to Committee

- Ward Members are notified weekly in writing of all planning applications received in their ward.
- Ward Members are then advised of the first letter of objection received for each application in their ward.
- All letters of support and objection are displayed on the Council's website.
- The Case Officer will, by appointment, be available to discuss any current planning application with the relevant Ward Member(s)
- Members may request that any application is referred to the relevant Area Committee so long so the request is made **in writing** before the Director of Development and Environment's authorised representative countersigns the case officer's written recommendation.
- The Member's request must be made in writing by letter or e-mail to the case officer and/or Team Leader
- Members may qualify their request so that the application need only be referred to the Area Committee if the officer's recommendation is contrary to the Member's view.
- If the application involves an enforcement issue, it will be treated no differently from other planning applications.
- Enforcement cases may only be referred to a Committee by the Chairman of the Planning & Regulatory Committee, the relevant Area Committee Chairman or the Director of Development & Environment.
- All decisions made under delegated powers are reported monthly to the relevant Area Committee.