
STRATEGIC PLANNING BOARD

Date of Meeting: 26 September 2018

Report Title: Member Planning Application Referral Procedure

Portfolio Holder: Cllr Ainsley Arnold

Senior Officer: Sean Hannaby, Director of Planning & Environment

1. Report Summary

- 1.1. This report seeks approval to adopt the Referral Procedure for Planning Applications.

2. Recommendation

- 2.1. That Strategic Planning Board adopt the Referral Procedure attached as Appendix 1.

3. Reasons for Recommendation

- 3.1. The current procedure is outdated and a new version is needed to bring it in line with more recent changes to the Terms of Reference and Constitution.

4. Other Options Considered

- 4.1. None.

5. Background

- 5.1. The current 'Call-In Procedure' was prepared and adopted in the early years of the Council in 2010. Accordingly it is appropriate to review the document and bring it up to date.
- 5.2. The principle of the procedure has not changed significantly since 2010 but there are a number of minor changes which the new procedure attached as Appendix 1 incorporates.

- 5.3. The procedure has been renamed as the 'Referral Procedure' as noted within the new Constitution adopted in January this year. This is to avoid confusion with the terminology associated with the 'Call-In' procedure for Cabinet.
- 5.4. The time period for referral has been amended to reflect the longer time period of 15 working days.
- 5.5. The current Call-in Procedure only includes the ability to call-in an application to the Northern or Southern Planning Committees. The proposed revision at Appendix 1 includes referral to Strategic Planning Board if appropriate eg: at para 12, referrals of large scale reserved matters will normally be returned to Strategic Planning Board, referrals of small scale reserved matters will normally be returned to whichever Planning Committee granted the outline.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. The Procedure must be clear in its terms and consistent with the Constitution.

6.2. Finance Implications

- 6.2.1. There are no direct implications for finance

6.3. Policy Implications

- 6.3.1. There are no direct implications for policy.

6.4. Equality Implications

- 6.4.1. There are no direct implications for equality

6.5. Human Resources Implications

- 6.5.1. There are no direct implications for human resources

6.6. Risk Management Implications

- 6.6.1. There are no direct implications for risk management

6.7. Rural Communities Implications

- 6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People

- 6.8.1. There are no direct implications for children and young people.

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. All Wards

8. Consultation & Engagement

8.1. This is an operational matter for Strategic Planning Board as stated within the Council's Constitution "*to adopt working protocols and procedures*" so is not subject to wider consultation or engagement.

9. Access to Information

9.1. Once adopted the Procedure can be placed on the Council's website alongside other procedural guidance.

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officer:

Name: David Malcolm

Job Title: Head of Planning Regulation

Email: david.malcolm@cheshireeast.gov.uk

ENC:

Appendix 1: Planning Applications Member Referral Procedure

APPENDIX 1

PLANNING APPLICATIONS - MEMBER REFERRAL PROCEDURE

What is it?

1. The Council's Constitution provides the basis for decision making for planning applications, with Terms of Reference being set out for Strategic Planning Board, Northern and Southern Planning Committees. They exercise the Council's functions relating to town and country planning and development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges.
2. Most of these functions (over 90%) are however delegated to the Director of Planning and Environment and do not need to go before Committee for determination.
3. If the item has not already been identified as a Committee item within the Terms of Reference a Member can request that the application be referred (or "called-in") for consideration by the next appropriate Planning Committee.

Extract from current Constitution

Referred up to them by a Councillor in accordance with the Committees' Referral procedure. However:

32.4.1 any request must be received within 15 working days of the issue of the electronic notification of the application, and set out the material planning consideration(s) which warrant the application going before committee

32.4.2 applications for householder development, listed building consents to alter/extend and conservation area consents will normally be dealt with under delegated powers

32.4.3 applications for advertisements, tree work, prior approvals, Certificates of Lawfulness and notifications will not be eligible for call in and will be dealt with under delegated powers

32.4.4 there will be a presumption that a call in request by a local ward Member will be agreed where applications are for the renewal (or extension of time) of extant, unimplemented permissions.

Procedure

4. In order to satisfy the requirements for a Development Management service which is fair and transparent and to ensure that performance targets are not compromised, any request by a Member for an

application to be referred to Committee should be made in accordance with the following procedure.

5. Members must complete the electronic form on the Centranet to make the request for a referral. This automatically sends a copy of the request to the Chairman and the Lead Officer.
6. Ward Members will automatically be notified of any applications within their ward with a time frame for referral.
7. In any event the 'referral' request must be made within **15 working days** of the issue of the electronic notification of the application.
8. Referral should not be requested unless it is necessary because of significant concerns or potential significant impact of the development.
9. To complete the referral request form you will need the application reference number, location of the site, the proposal and valid planning reasons (material considerations) for requesting the referral.
10. Valid planning reasons or material considerations for the referral must be given. For example this can include:
 - The effect of the proposal upon the amenity of adjoining land and buildings
 - The impact on the surrounding area
 - Issues relating to highways, including access/visibility/parking problems
 - The design, scale, character of existing buildings and proposed buildings
 - Significant planning policy implications
11. The Lead Officer, in consultation with the Chairman or Vice Chairman of the Planning Committee, will confirm or reject the referral request based on the significance of the development and valid planning reasons. Members who request a referral will only be notified if their request has been rejected – with the appropriate reasons.
12. Referral requests will normally be presented to the appropriate Northern or Southern committee based upon the geographical location. Referral requests that are accepted may, at the discretion of the Head of Planning in consultation with the Chairman or Vice Chairman of the Strategic Planning Board, be referred to Strategic Planning Board for determination. It will normally be expected that referrals of reserved matters applications will be referred to the committee that made the decision on the outline permission.
13. Members requesting a referral should attend the Board/Committee meeting. If they wish to exercise public speaking rights they should notify the Democratic Services Officer of this by noon on the preceding day, in accordance with the Public Speaking Protocol.