

DEVELOPMENT MANAGEMENT ADVICE NOTE 5

HOW DOES THE COUNCIL DECIDE PLANNING APPLICATIONS?

This is one of a series of advice notes to help our customers use the Development Management Service in Croydon. The service is responsible for the determination of planning applications and the enforcement of the planning regulations.

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INTRODUCTION

This advice note explains the planning decision making process: how we make decisions in committee or by officers under “delegated powers” and how we inform you of those decisions. Whilst the note refers mainly to applications for planning permission, the procedures generally apply to all types of planning application.

HOW WE ASSESS AN APPLICATION

The planning case officer will assess the planning application, taking into account the planning policies that apply to the proposal, other material considerations and their judgement of the impact it will have. This will be based upon the site visit, the responses from people and organisations consulted on the application and any views expressed by people interested in the application (such as neighbours) in response to publicity on the application. The publicity requirements mean that we will not receive all of the relevant views until about a month after we register the application, and this will be longer in some cases.

It is a requirement of planning law that we make all planning decisions in accordance with the provisions of the development plan, which contains the relevant planning policies for the area, unless there are good planning reasons to take a different decision. This means that the overwhelming majority of decisions are in accordance with the planning policies that the council has adopted.

PREPARING THE RECOMMENDATION

When the planning case officer has concluded their assessment of the application, they will prepare a report and recommendation, and pass it to the relevant senior planning officer. He or she will check that they agree with the assessment, often in discussion with the planning case officer, before either making a decision under delegated powers or placing the item on the agenda of the relevant planning committee.

The planning case officer is not able to tell you what recommendation has been made until it has been agreed by the senior planning officer or, in the case of an item going to committee,

until the agenda for the meeting has been published. This is in accordance with national good practice recommended by the Local Government Association.

MAKING A DECISION

The government believes that as well as making good quality decisions, it is also important that we deal with planning applications as speedily as possible. They set targets for councils to make planning decisions within specific timescales depending on their complexity. To achieve these targets, they have recognised that elected councillors cannot take all decisions and they recommend that councils adopt a scheme whereby they delegate the decisions on certain types of applications to officers of the council. At the London Borough of Croydon, a scheme of delegation has been in place for many years. Senior planning officers are authorised to make planning decisions on behalf of the council as long as certain specific criteria are not breached. The process, which we follow right up to the point of formulating and reporting the recommendation, is the same for committee and delegated decisions.

The scheme of delegation is contained in the Council's Constitution. This is available from our web site

(<https://www.croydon.gov.uk/sites/default/files/articles/downloads/Constitution%20of%20the%20London%20Borough%20of%20Croydon%20-%20June%202017.pdf>). We review the scheme from time-to-time, but essentially it contains development size and objection level triggers so that the Council's Planning Committees only deal with the applications that are potentially significant or controversial.

PLANNING COMMITTEE

If we do not deal with an application under delegated powers, the Planning Committee/Sub Committee will usually decide it. The rules regarding this are set out in part 3 of the Constitution

(<https://www.croydon.gov.uk/sites/default/files/articles/downloads/Constitution%20of%20the%20London%20Borough%20of%20Croydon%20-%20June%202017.pdf>). The committees are made up of elected councillors and usually meet in the Town Hall (Katherine Street Croydon CR0 1NX).

All applications have written reports with officers' recommendations. A visual presentation of the submitted plans and site photographs will be given to councillors to assist them in coming to a decision. We will generally order the agenda on the day to first deal with those applications on which people have advised that they wish to exercise public speaking rights. The procedure for this is set out below. Even if you do not wish to speak at the meeting, you are welcome to attend and listen to the debates and the decision-making.

Each item on the agenda will be introduced and then the chair will usually follow the order set out below:

- the planning officer will present the application
- Committee asks any factual/technical questions
- any objector who has registered to speak (3 minute limit)
- the applicant, their representative or a supporter (3 minute limit)
- any non-committee councillor, the GLA representative or MP wishing to address the committee (3 minute limit total)
- the planning officer will outline the main planning issues
- committee then considers and determines the application

We make all decisions in public, except in certain circumstances where the committee needs to go into confidential session, normally because they have to receive legal or financial

information. On some occasions councillors might decide to defer an item to obtain more information, to allow negotiations to take place, or very occasionally to visit a site. If a site visit is to be made this will normally be before the next meeting of the committee. The site visit will be an organised meeting of the committee, to view the site only and not to make a decision. The decision will usually be taken at the next meeting of the committee. The site meeting is not open to the public nor the applicant, other than to provide access to the site where necessary.

PUBLIC SPEAKING

We will notify people and organisations who have expressed views on an application by letter or email that the application is to go before the committee about five working days beforehand. This will explain the procedure to register a desire to address the committee.

When any individual addresses the committee, they are limited to a verbal presentation only prior to councillors' consideration and discussion of the application. There is one slot per item for objectors and one for the applicant or supporters; they are limited to 3 minutes each. There will be no right of reply, but there may be occasions when questions from members, through the chair, require answering.

If you wish councillors to have any photos, plans or other material, you should distribute this to them before the meeting because you cannot do this once the committee starts – see "Lobbying councillors" below.

You should practise to ensure that you do not over-run, because the committee chair will ask you to end your remarks if you do. Speakers and other members of the public may leave the meeting after the item they are interested in has been decided, but should do so quietly and promptly.

The committee can only make decisions based on planning considerations that relate to the development. When addressing committee, in order for you to make the best use of your time, you should consider confining your comments to planning matters only. Our advice note "How can I comment on a planning application?" gives advice on what these are.

LOBBYING COUNCILLORS

You can approach any councillor to discuss planning issues or to explain your point of view. Sometimes they may be able to offer you advice and assistance, but normally they will refer technical or policy queries to the appropriate officers. Councillors who are on the planning committees are not allowed to express a definitive opinion on a particular application until they have all of the facts available to them. If they did so and an application was referred to the committee for a decision, it could be alleged that they had pre-judged the issues and had not made a balanced judgement at the time when all of the relevant information was available. This is a serious allegation and can result in planning decisions being overturned in the courts. Because of this you are recommended not to lobby Councillors who are on Planning Committee. You should send your information to the planning case officer so that it can be summarised in the report to the committee and be available to all councillors making the decision.

ISSUING THE DECISION

Once we have decided the application, the applicant will receive a decision notice. This states whether we have granted or refused the application. We aim to do this within two working days of making the decision. If granted, the notice will list the conditions that must be complied with. If refused, the notice will set out what the reasons were. Some applications

also require a planning legal agreement to be signed. This will have to be completed before the planning permission can be issued.

The applicant has the right to appeal to the Secretary of State if we have refused permission or applied conditions that they cannot accept. The Planning Inspectorate will deal with the appeal, and their address is on the decision notice. There is no provision in the legislation for people other than the applicant to appeal against a council's decision; for example, a neighbour who objected to a development in their area.

If you have written to us about a planning application, we will send you a letter informing you of our decision. We aim to do this within five working days of making that decision.

WHAT HAPPENS NEXT?

We have produced two advice notes "My application was approved – what should I do next?" and "My application was refused – what should I do next?" to give more information and advice on the next stages in the process for applicants. These are available from our reception or our web site (www.croydon.gov.uk).