

## **Site Review Meetings, Proposed Revised Protocol (following Report to Place Policy Development Group)**

### **Summary**

The current Site Review Meeting process is recommended to be withdrawn and a replacement process introduced. This change will ensure that Ward Councillors' involvement in planning applications remains, but that only in relevant circumstances will a Site Review Meeting take place. This will replace the current system, which automatically requires a meeting where a single representation raising a material planning consideration is received.

The Site Review Meeting is a process unique to Torbay and is not a procedural requirement of national planning regulation. The process gives rise to higher than average costs and delays in dealing with planning applications and is disproportionate in terms of the resource requirements when considering the type of applications involved.

This alteration will require the Appendix 2 Site Review Meeting Protocol of the Local Code of Good Practice for Members and Employees Involved in the Planning Process (see Appendix A report) to be replaced with Revised Site Review Meetings Protocol (see Appendix B of this report).

### **1. The current Site Review Meeting (SRM) process**

- 1.1. The current Site Review Meeting (SRM) process was established following the disbandment of the three area-based planning committees (North, South & Central) in order to increase the number of applications dealt with under delegated powers. Since its introduction, the process has been refined and a protocol has been adopted to manage the system (Appendix A of this report).
- 1.2. Where one or more objections have been received to an application which would otherwise be determined under delegated powers and the Executive Head of Spatial Planning considers that the objections raise material planning considerations the Executive Head of Spatial Planning will convene a Site Review Meeting.
- 1.3. The meeting is attended by a Ward Councillor and a Planning Officer (at Team Leader or Senior Officer level), the meeting provides an opportunity for the attendees to raise matters of concern and for the Officer and Ward Councillor to consider them in the light of Local Plan policy objectives. Following discussion with the Ward Councillor, a decision is then made as to whether Officers continue to deal with the application under delegated powers or whether the application should be referred to the Development Management Committee for determination. If the Planning Officer and Councillor do not agree in respect of the procedure for determining the application the Executive

Head of Spatial Planning will discuss the application with the Chair of the Development Management Committee and thereafter the Executive Head will make a decision on which route it should take.

## **2. Reasons for the review**

- 2.1 Due to the Council's aim of improving delivery of an excellent planning service demonstrated by National Performance Indicator (NI 157). It was felt appropriate to review the SRM process, including its cost and effectiveness.
- 2.2 Between 10<sup>th</sup> May 2011 and 10<sup>th</sup> November 2011, 46 SRMs were held, of these 43 were referred back to Officers for a decision to be issued under delegated powers. Based on this time period 98% of SRMs resulted in delegation remaining with officers.
- 2.3 Many applications that go to SRM do not meet the National Indicator 8-week target decision date, due to the time it takes to set up a meeting, hold the meeting and get response letters out to the relevant parties. This adversely affects the efficiency of the Planning Service when dealing with applications in this way. The delay is a significant factor in limiting the Councils performance in relation to NI 157, a measure of performance by planning services.
- 2.4 The revision of the SRM process would allow for the streamlining of the process to enable more effective processing of applications while still allowing for member involvement in the process.

## **3. Proposed Site Review Meeting (SRM) process**

- 3.1 Where Officers are recommending approval of an application and there are objections on valid planning grounds made within the 21 day period for response, the Ward Councillors will be advised of the objections by e-mail and be given 5 days to respond to officers, either by telephone or e-mail. Having considered the merits and significance of the application, Ward Members may, in exceptional circumstances, request that a Site Review Meeting be arranged. The Ward Member must be available in the next 7-10 days so that the SRM can be arranged in that timeframe. Officers will proceed to arrange the meeting unless in exceptional circumstances there are clear differences of opinion between the officers and the Member about whether such a meeting is necessary. In these circumstances the matter will be referred to the Chairman of the Development Management Committee for decision.
- 3.2 Where there are 5 or more objections to an application and Officers are recommending approval, the same procedure as described above will apply in relation to the need for an SRM. Officers will however automatically discuss with the Chair of the Development Management Committee whether the application should be heard at Committee.

Again, it will be the decision of the Chair as to whether that application should be determined at Committee or under delegated powers.

- 3.3 This revised approach will ensure that Ward Councillors' involvement in planning applications remains, but that only when a Ward Councillor believes that a Site Review Meeting is necessary will one be held. This will help streamline the Planning Service when dealing with applications and improve Councils performance in relation to NI 157, a measure of performance by planning services.

#### **4. Recommendation**

- 4.1 In the light of the above considerations it is recommended that, because of the resource implications and impact on service delivery, the current SRM Protocol be replaced by the proposed new one in Appendix B.
- 4.2 It is not recommended that Torbay make substantial changes to the foundations of its scheme of delegation and as such, although the above is of interest, it is considered that changes to the SRM process should fit within the existing scope of Torbay's Scheme of Delegation and Local Code of Good Practice for Members and Employees Involved in the Planning Process.

## **Appendix A – Existing protocol**

### **Site Review Meetings Protocol**

1. The Government has set a performance target for Local Authorities that at least 90 per cent of planning applications will be determined by employees using delegated powers.
2. Most planning applications are now initially identified as being appropriate for determination by the Executive Head Spatial Planning under delegated powers. Only major applications (those for 10 or more residential units or over 1,000 square metres of new floor area) will be referred to the Development Management Committee. The Executive Head Spatial Planning may refer other applications to the Committee for determination if he considers it appropriate. In determining whether to refer other applications to the Committee for determination the Executive Head Spatial Planning may consult with the Chairman of the Development Management Committee and/or any relevant Ward Members.
3. In deciding whether or not to refer a planning application to the Development Management Committee for determination the Executive Head Spatial Planning will have regard to the number and complexity of planning issues the application raises. This is not necessarily reflected in the number of objections received and no particular number of objections (or letters of support) will ensure that any particular application is referred to Committee. Where one or more objections have been received to an application which might be determined under delegated powers and the Executive Head Spatial Planning considers that the objections potentially raise material planning considerations the Executive Head Spatial Planning will convene a Site Review Meeting. The applicant and/or his/her agent, any objectors and the Ward Councillors will be invited to the Site Review Meeting. A Planning Officer will also attend and conduct the meeting.
4. The purpose of a Site Review Meeting is to decide whether a decision should be made under delegated powers or referred to the Development Management Committee for determination. The meeting is not intended to debate or argue about the issues but to allow everyone to look at the site, view and understand fully the proposals and hear the views of the applicant and the objector/s.
5. After the Site Review Meeting the Planning Officer present will discuss the matter with the Ward Councillor/s in attendance and then make a recommendation to the Executive Head Spatial Planning as to whether or not the matter should be referred to Committee for determination. If the Assistant Director is not minded to agree with the views expressed by any Ward Member, before taking his decision as to whether or not to refer the matter to Committee, he will first consult with the Chairman of the Development Management Committee.

6. All parties will be informed in writing of the outcome of the Site Review Meeting.
7. A Site Review Meeting may be terminated by the Planning Officer in attendance in the event that any person present fails to adhere to the principles of this Protocol or fails to treat other people present with courtesy and respect.

## **Appendix B – Revised Site Review Meetings Protocol**

1. The Government has made it clear to Local Planning Authorities that in order to speed up the planning process the vast majority of planning applications should be determined by officers using delegated powers.
2. Most planning applications are now initially identified as being appropriate for determination by the Executive Head of Spatial Planning under delegated powers. Only major applications (those for 10 or more residential units, or over 1000 square metres of new floor area) will automatically be referred to the Development Management Committee. The Executive Head may refer other applications to the Committee for determination if he considers it appropriate. In determining whether to refer other applications to the Committee for determination the Executive Head may consult with the Chairman of the Development Management Committee and/or any relevant Ward Members.
3. In deciding whether or not to refer a planning application to the Development Management Committee for determination, the Executive Head will have regard to the number and complexity of planning issues the application raises. This is not necessarily reflected in the number of objections received and no particular number of objections (or letters of support) will ensure that any particular application is referred to Committee.
4. Where Officers are recommending approval of an application and there are objections on valid planning grounds made within the 21 day period for response, the Ward Councillors will be advised of the objections by e-mail and be given 5 days to respond to officers, either by telephone or e-mail. Having considered the merits and significance of the application, Ward Members may, in exceptional circumstances, request that a Site Review Meeting be arranged. The Ward Member must be available in the next 7-10 days so that the SRM can be arranged in that timeframe. Officers will proceed to arrange the meeting unless in exceptional circumstances there are clear differences of opinion between the officers and the Member about whether such a meeting is necessary. In these circumstances the matter will be referred to the Chairman of the Development Management Committee for decision.
5. Where there are 5 or more objections to an application and officers are recommending approval, the same procedure as described above will apply in relation to the need for an SRM. Officers will however automatically discuss with the Chair of the Development Management Committee whether the application should be heard at Committee. Again, it will be the decision of the Chair as to whether that application should be determined at Committee or under delegated powers.
6. The purpose of a Site Review Meeting is to decide whether a decision should be made under delegated powers or referred to the

Development Management Committee for determination. The meeting is not intended to debate or argue about the issues but to allow everyone to look at the site, view and understand fully the proposals and hear the views of the applicant and the objector(s).

7. After the Site Review Meeting, the Senior Planning Officer present will discuss the matter with the Ward Councillor(s) in attendance and then make a recommendation to the Executive Head of Spatial Planning as to whether or not the matter should be referred to Committee for determination. If in exceptional circumstances the Executive Head is not minded to agree with the views expressed by any Ward Member as to whether or not to refer the matter to Committee, he will consult with the Chairman of the Development Management Committee who will make a decision.
8. All parties will be informed in writing of the outcome of the Site Review Meeting.
9. Site Review Meeting may be terminated by the Senior Planning Officer in attendance in the event that any person present fails to adhere to the principles of this Protocol or fails to treat other people present with courtesy and respect.
10. In all cases, Officers will continue to make recommendations in reports either for signing off by team leaders or for consideration at Committee, and Officer Reports will highlight and discuss the merits of objections, indicating how the objections raised have been considered in reaching the decision.