

# Development Management Advice Note

## HOW DOES THE COUNCIL DECIDE PLANNING APPLICATIONS?

This advice note explains the decision making process: how decisions are made by Committee or by officers under 'delegated powers' and how we inform you of the decision. Whilst the note refers mainly to applications for planning permission, the procedures generally apply to all types of planning application. We hope you find this document helpful but if you need further information or other documents, details of how to obtain these are given at the end.

### 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 would have. This will be based on 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). The publicity requirements mean that all of the relevant views will not have been received until about five weeks after the application has been registered, although this may be longer in some cases.

It is a requirement of the Town and Country Planning Act 1990 that all planning decisions should be made in accordance with the provisions of the Development Plan (which contains the relevant planning policies) unless material considerations indicate otherwise. This means that the overwhelming majority of decisions are made in accordance with the planning policies the Council has adopted in its Development Plan.

### PREPARING THE RECOMMENDATION

When the planning case officer has concluded the assessment of the application, a report and recommendation are prepared and passed to a senior planning officer. That officer will check that the assessment is sound, often in discussion with the planning case officer, before a decision is made under delegated powers or the item is placed on the agenda of the Planning Committee.

The planning case officer is not able to tell you exactly what recommendation has been made until the report has been considered 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 guidelines recommended by the Local Government Association following a report by Lord Nolan into the probity of the planning system.

### DELEGATED POWERS

The Government believes it is important that all planning applications are dealt with as speedily as possible. The Government has recognised that elected Councillors cannot take all decisions and recommends that all Councils adopt a scheme whereby certain types of decision are delegated to officers of the Council. It is expected that at least 90% - 95% of decisions are taken in this way. At the London Borough of Waltham Forest, a scheme of delegation has been in place for many years. The Head of Development Management and certain senior officers are authorised to make planning decisions on behalf of the Council, provided that certain specific criteria are not breached. The assessment process, which is followed right up to the point of formulating and reporting the recommendation, is the same for Committee and delegated decisions.

The current scheme of delegation allows decisions to be taken by the relevant senior planning officer except where:

- requested by a Member of the Council that the Planning Committee consider a matter;
- major matters of planning policy are involved;
- the Council would be involved in any financial liability;
- there is significant public interest;
- a matter is considered to be contentious or controversial; or
- the Executive Director of Environmental Services considers that it should be referred to the Planning Committee for consideration.

## PLANNING COMMITTEE

If an application is not dealt with under delegated powers, it will be referred to a meeting of the Planning Committee. This Committee comprises elected Councillors and usually meets in the Waltham Forest Town Hall, Forest Road, Walthamstow.

All applications are the subject of written reports with officers' recommendations. Copies of the submitted plans and photographs of the application sites are usually available for Councillors to assist them in coming to a decision. Councillors also visit a number of sites on the Committee agenda before the meeting is held. The site visits are not open to the public or the applicant.

The agenda is ordered on the day to deal first 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 a meeting, you are welcome to attend and listen to the debates and the decisions being made.

All decisions are made in public, except in certain circumstances where the Committee votes to go into confidential session; normally because they need to receive legal or financial information. On some occasions Councillors might decide to defer an item, e.g. to obtain more information or to allow negotiations to take place.

### Public speaking

This Council has adopted the practice of allowing people to address the Planning Committee. In order to ensure that the Committee is able to get through all of its business, the people entitled to speak are restricted to:

- a maximum of three interested residents or neighbours; and
- the applicant or agent (as stated on the application form).

People and organisations that have expressed views on an application will be notified by letter that the application is going to Committee at least three working days beforehand. This letter will explain the procedure for registering their desire to address the Committee. When any individual addresses the Committee they are limited to a three-minute verbal presentation only, prior to Councillors' discussion of the application. There is no right of reply, although 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. It cannot be done when you address the Committee.

You should practise to ensure that you do not over-run because the Chairman will ask you to bring your remarks to a close 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 are requested to do so quietly and promptly.

The Committee can only make decisions based on material planning considerations. When addressing Committee, in order for you to make the best use of your three minutes, 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 constitutes a "planning consideration".

## **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 serving on the Planning Committee are not allowed to express a definitive opinion on a particular application. 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.

## **ISSUING THE DECISION**

Following the decision of the Planning Committee or the Head of Development Management, the applicant will receive a decision notice. This states whether the application has been granted or refused. If it has been granted, the decision notice will list conditions, which must be complied with. If the application is refused, the decision notice will set out the reasons for which the application was refused. We aim to issue all decisions within two working days of the decision.

Our advice note 'My Application Was Approved – What Should I Do Next?' explains what the applicant needs to do about conditions and the scope to amend the proposals. The advice note 'What Non-Planning Approvals Do I Need For My Proposals?' explains what other controls exist that may be relevant to your proposal.

If an application is refused, then there is a right for the applicant to appeal to the Secretary of State. The Planning Inspectorate will deal with the appeal; the Inspectorate's address is on the decision notice. Our advice note 'My Application Was Refused – What Should I Do Next?' gives advice on this. 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).

We aim to inform neighbours and others interested in the application within five working days of the decision being made. If you have written to us about a planning application we will send you a letter informing you of the decision that has been made on the application.

## **FOR FURTHER INFORMATION OR HELP**

We hope you find this document helpful. Other documents are available from our reception or our website (addresses at bottom of page). If you need further information please phone Waltham Forest Direct on (020) 8496 3000 or call into our reception at Sycamore House between 9am and 5.15pm Monday to Thursday, or 9am and 5pm Fridays (the offices are closed on Bank and Public Holidays). A Duty Planning Officer is available for general planning advice between 10am and 4pm Monday to Friday on (020) 8496 6876 or in our reception.

## Interpreting and translation assistance

The Council has prepared this document to assist users of its Development Management Service. If you have any difficulty reading or understanding it because English is not your first language, we will try to help you. Please tick the box, which shows which language you speak, write your name, address and telephone number and return this form, together with the document, to the address given below.

<p>Kansilli e ka pregaditur këtë dokument për tui ndihmuar përdorësve të Shërbimeve të Kontrollit të Zhvillimit. Po patët vështirësi për ta lexuar apo kuptuar sepse Anglishtja nuk është gjuha juaj e parë, ne do të mundohemi t'ju ndihmojmë. Ju lusim shenoni katorrin që tregon se cilën gjuhë e folni, shkruani emrin, adresën dhe numrin e telefonit dhe ktheni këtë formë, së bashku me dokumentin, në adresën e dhënë më poshtë.</p> <p style="text-align: right;">Albanian <input type="checkbox"/></p>	<p>A Junta de Freguesia preparou este documento para assistir os utentes do seu Serviço de Controlo de Desenvolvimento. Se tiver dificuldades em ler ou compreender este documento devido ao inglês não ser o seu idioma principal, nós tentaremos ajudá-lo(a). Assinale o quadrado junto ao idioma que fala, escreva o seu nome, morada e número de telefone e devolva esta folha, juntamente com o documento, para a morada em baixo.</p> <p style="text-align: right;">Portuguese <input type="checkbox"/></p>
<p>لقد أعد المجلس هذه الوثيقة لمساعدة مستخدمي خدمة سيطرة التنمية. وإذا واجهت صعوبة في قراءتها أو فهمها لأن الإنجليزية ليست لغتك الأولى فسنحاول أن نساعدك. الرجاء وضع علامة بالصندوق الذي يبين لغتك وأكمل اسمك وعنوانك ورقم الهاتف وأرسل كامل النموذج مع هذه الوثيقة للعنوان أدناه.</p> <p style="text-align: right;">Arabic <input type="checkbox"/></p>	<p>Dagmada ayaa diyaarisay dukumantigaan si ay ugu caawiso dadka ubbaahan Adeegga Koontaroolka Qorshaynta Dhismaha Magaalada. Haddii aad wax dhib ah kala kulanto in aad fahamto qoraalkaan waayo Ingiriisku maahan luuqaddaada koowaad, waxaan isku dayaynaa in an ku fahanno. Fadlan calaamadi sanduuga muujinaya luuqadda aad ku hadasho, qor magacaaga, ciwaankaaga, taleefoonkaaga, dabadeedna ku soo celi foomka, oo uu lasocdo qoraalkan, ciwaanka hoos ku qoran.</p> <p style="text-align: right;">Somali <input type="checkbox"/></p>
<p>কাউন্সিল এ ডকুমেন্টটি তৈরী করেছে এর ডেভেলপমেন্ট কন্ট্রোল সার্ভিসের ব্যবহারকারীদেরকে সহায়তা করার জন্য। ইংরেজী আপনার প্রধান ভাষা না হওয়ায় এটি পড়তে অথবা বুঝতে যদি আপনার কোন অসুবিধা হয়, তাহলে আমরা আপনাকে সাহায্য করতে চেষ্টা করবো। দয়াকরে আপনি যে ভাষায় কথা বলেন সেই বাস্তব টিক চিহ্ন দিন, আপনার নাম, ঠিকানা ও টেলিফোন নম্বর লিখুন এবং এ ফরমটি ডকুমেন্টটির সাথে নীচের ঠিকানায় ফেরৎ পাঠান।</p> <p style="text-align: right;">Bengali <input type="checkbox"/></p>	<p>El Ayuntamiento ha redactado este documento para ayudar a los usuarios del "Development Control Service [Servicio de Control del Desarrollo]. Si le resulta difícil leer o entenderlo porque el inglés no es su idioma materno, intentaremos ayudarle. Marque la casilla que indica el idioma que habla, rellene el formulario con su nombre, dirección y número de teléfono y devuélvalo, junto con el documento, a la dirección abajo reseñada.</p> <p style="text-align: right;">Spanish <input type="checkbox"/></p>
<p>区议会政府准备了这份文件来介绍我们的发展控制服务。如果因为英文不是您的母语，您不能读懂这篇文章，我们可以帮您忙。请选择中文，填写您的姓名及地址以及电话号码，并将此文件寄回以下给出的地址。</p> <p style="text-align: right;">Chinese <input type="checkbox"/></p>	<p>Belediyemiz bu belgeyi lÿmar Kontrol Hizmetlerinden yararlanlan kimselere yardÿmçÿ olmak amacÿyla hazÿrlamÿs.tÿr. Asÿl diliniz lÿngilizce olmadÿğÿ Ÿ iin bunu okumakta veya anlamakta gÿlÿk ekiyorsanız, size yardÿmçÿ olmak isteriz. Lÿtfen hangi dili konuſtuğÿ unuzu belirten kutuyu isaretleyip adÿnÿzÿ-soyadÿnÿzÿ, adresinizi ve telefon numaranÿzÿ yazdÿktan sonra, bu formu belgeyle birlikte as,agÿ Ÿdaki adrese gÿnderin.</p> <p style="text-align: right;">Turkish <input type="checkbox"/></p>
<p>La Municipalit� a publi� ce document afin d'aider les utilisateurs de son service de contr�le de d�veloppement. Si vous avez des difficult�s � le lire ou � le comprendre parce que l'anglais n'est pas votre langue maternelle, nous nous efforcerons de vous aider. Veuillez cocher la case correspondant � la langue que vous parlez, indiquer votre nom, votre adresse et votre num�ro de t�l�phone et renvoyer ce formulaire ainsi que le document � l'adresse figurant ci-apr�s.</p> <p style="text-align: right;">French <input type="checkbox"/></p>	<p>کونسل نے یہ دستاویز اپنی ڈویلپمنٹ کنٹرول سروس استعمال کرنے والوں کی مدد کے لئے تیار کیا ہے۔ اگر آپ کو اسے پڑھنے یا سمجھنے میں کوئی مشکل درپیش ہے کیونکہ انگریزی آپ کی پہلی زبان نہیں ہے تو ہم آپ کی مدد کرنے کی کوشش کریں گے۔ براہ کرم اس خانے پر نشان لگائیے جو آپ کی زبان کی نشاندہی کرتا ہے اور اپنا نام پتہ اور ٹیلیفون نمبر لکھیں اور اس فارم اور دستاویز کو پیچھے دے گئے ایڈریس پر واپس بھیج دیجئے۔</p> <p style="text-align: right;">Urdu <input type="checkbox"/></p>
<p>Name _____ Address _____ _____ _____ Telephone number _____</p>	<p>Return to: Development Management London Borough of Waltham Forest Sycamore House Town Hall Complex Forest Road Walthamstow E4 6PS</p>

Translated by the London Borough of Waltham Forest Interpreting and Translation Service

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