

## DEVELOPMENT MANAGEMENT

Report date:	28 February 2018
Lead reviewer(s):	Councillor Andy Booth (review coordinator) and Councillors Cameron Beart, Lloyd Bowen, Derek Conway, Mike Henderson and Ken Ingleton
O&S support officer:	Bob Pullen, Policy and Performance Officer
Service liaison officer(s):	James Freeman, Head of Planning Andrew Jeffers, Development Management Manager
Head(s) of service:	James Freeman, Head of Planning

### 1 Report summary

- 1.1 This report outlines the interim findings of the Task and Finish Group which was established to review the effectiveness of the Council's development management function.
- 1.2 This is an interim report, looking at the proportion of decisions coming before the Planning Committee for determination, which has been fast-tracked in order to tie-in with the periodic review of the Constitution which is currently under way. The report makes recommendations which are pertinent to Part 3.4 of the Constitution regarding officer delegations.
- 1.3 Planning delegations is only one of the six elements of Development Management that the Task and Finish Group are reviewing.

### 2 List of recommendations

- 2.1 The Task and Finish Group recommends:

**That the Constitution be amended as follows in respect of delegations to the Head of Planning. In particular, to reduce, where appropriate, the number of applications coming before the Planning Committee for determination (rather than being determined under officer delegation), the following criteria need to be met in order for applications to come before the Committee in respect of representations made by parish and town councils, Members of the Council and members of the public:**

- (a) **Where parish and town councils make a representation on an application which they wish to be determined at Planning Committee, this representation needs to be submitted in writing and give detailed reasons which are relevant material considerations with the support of a**

- Member of the Council. Additionally it will give notice that it and/or the Member of the Council will speak to the representation at Committee;**
- (b) Members of the Council to give relevant material planning considerations why an application should be determined at Planning Committee;**
- (c) letters of representation, or petitions, from at least five separate addresses where the decision of the Head of Planning would conflict with these for an application to be determined at Planning Committee;**
- (d) where a parish or town council and the relevant Swale Borough Council Member gives notice to attend and in the event does not attend without giving a justified reason, the Chairman of the Planning Committee shall have the right to decide whether the item should be heard or should be immediately delegated to officers**

### **3 The review**

- 3.1 The Task and Finish Group (TFG) was established to:
- review the effectiveness of Swale Borough Council's development management function; and
  - as necessary, to make recommendations to Cabinet.
- 3.2 The review was instigated by the Scrutiny Committee and the review plan was agreed by the Committee on 17 March 2016 and is at Appendix I.
- 3.3 This is an interim report on one aspect of the review (planning delegations) which has been fast-tracked to coincide with a periodic review of the Constitution. There are another five activity areas the Task and Finish Group are exploring and a draft report will be submitted to the Committee in due course.
- 3.4 The review was conducted principally through meetings of the Task and Finish Group and key officers, visits to a number of neighbouring councils, observance of other councils planning committees, and analysis of constitutions and other matters by officers. A schedule of who we met is at Appendix II.
- 3.5 The TFG would like to thank all those who agreed to meet with us to answer questions and provided information. The TFG would also like to thank the service liaison officers for their input who are listed above for their assistance.
- 3.6 The review is being led by Councillor Andy Booth and the other Task and Finish Group members are Councillors Cameron Beart, Lloyd Bowen, Derek Conway, Mike Henderson and Ken Ingleton. The TFG were supported by Bob Pullen, Policy and Performance Officer, as overview and scrutiny support officer.

### **4 Background**

4.1 Members of the Development Management Task and Finish Group visited Tunbridge Wells and Ashford Borough Councils and Thanet District Council during March and April 2017. Prior to the visits the Group received an analysis of the Constitutions of the three councils, plus Swale, in order to stimulate discussion with the Planning Committee Chairmen and officers at those councils. The key points arising from this analysis are provided in Section 5 – Findings. This analysis highlighted some of the key differences between Swale and the other three councils in respect of what can trigger an application being referred to the Planning Committee for determination, rather than being determined under officer delegation, which in Swale 89% of applications currently are.

## 5 Findings

5.1 The analysis the Task and Finish Group considered highlights that, within Kent, Swale has the highest proportion of planning applications considered by its Planning Committee – or to put it the other way round - the lowest proportion of planning applications decided by officers under delegated authority. This is illustrated by the following table:

### Percentage of planning applications delegated to officers – Year to September 2017

Sevenoaks	98%
Gravesham	96%
Folkestone and Hythe	96%
Tonbridge and Malling	96%
Tunbridge Wells	96%
Ashford	94%
Dartford	94%
Maidstone	94%
England average	94%
Kent average	94%
Medway	93%
Canterbury	92%
Dover	92%
Thanet	92%
Swale	89%

5.2 For many years, Swale has consistently had the lowest level of planning applications being decided under officer delegations within Kent. The latest data shows that we are nine percentage points below the Kent district with the highest level of officer delegations and five percentage points below the Kent district and England averages. Swale is also in the bottom ten percent of local planning authorities in England for planning applications being decided under officer delegation.

5.3 There are a number of reasons why Swale has a larger proportion of applications going to the Planning Committee for determination and these are as follows:

- Swale receives a larger number of major planning applications than most other Kent districts; and
- the criteria laid down in the Council's Constitution on officer delegations differs from other Kent local planning authorities.

5.4 The majority of major applications, by their nature, will need to be decided by the Planning Committee given their size, complexity, impact on local communities etc. and this is as true for Swale as it is for any local planning authority. Of the local planning authorities in Kent, Swale had the second highest number of major applications (69) to determine in 2017. However, the authority with the most (Maidstone – 107) delegates 94% of all planning applications to officers which is in line with the Kent and England averages, and some five percentage points more than Swale. The following table shows the position on major applications.

#### **Major planning applications determined 2017**

Maidstone	107
Swale	69
Ashford	59
Canterbury	59
Medway	57
Dover	50
Thanet	40
Tonbridge and Malling	38
Tunbridge Wells	35
Folkestone and Hythe	33
Sevenoaks	27
Dartford	26
Gravesham	9

5.5 The initial analysis provided to the Task and Finish Group referred to the fact that some of the triggers on why applications are referred to the Planning Committee for determination are pretty much standard across all local planning authorities and include:

- some major applications (for reasons of complexity and likely impact on local communities etc.);
- applications submitted by the authority itself, its Members or its officers;
- where an application is recommended for approval but is not in accordance with the Local Plan; or
- the proposed development is considered to be of significant public interest.

5.6 Other more bespoke triggers include:

- if statutory consultees or a parish or town council makes representations which are not in accordance with officer recommendations;
- where a specified number of representations have been received;

- where a ward member considers that an application raises issues of significant local importance;
- where a specified number of members of the Planning Committee request that the determination of the application should be “called-in” for the Committee’s consideration;
- where the planning Portfolio Holder/Cabinet Member may request that the determination of the application be “called in” to the Planning Committee; or
- where it is an application which Council Members have specifically requested to be referred to the Planning Committee.

5.7 Both Swale’s and Thanet’s constitutions require that where a **statutory consultee** (e.g. Highways England, Kent Highways, Southern Water etc.) has submitted a written representation which conflicts with the recommended decision, the application should be determined by the planning committee. Neither the Ashford or Tunbridge Wells constitutions specifically mention statutory consultees, but during the Task and Finish Group’s visits to them, it was apparent that a representation from a statutory consultee which conflicted with the recommended decision would similarly result in an application being determined by the planning committee. In fact, an officer from Kent Highways was present at the Tunbridge Wells Planning Committee on the night the Task and Finish Group visited.

5.8 The constitutions of Thanet and Tunbridge Wells contain no provision for representations received from **parish or town councils** to have any bearing on whether applications should be determined by planning committees or decided under officer delegated authority. Therefore, within these authorities, no trigger exists enabling parish or town councils to request or require applications to be referred to the planning committee for determination. This doesn’t, of course, preclude parish or town councils from making representations on planning applications in the normal way.

5.9 By contrast, the constitutions of Ashford and Swale both contain provisions which can result in an application being referred to the planning committee for determination.

5.10 In the case of Ashford, there are provisions in respect of parished and non-parished areas. In the case of parished areas, should a parish council and the ward member together (or the ward member acting alone) consider that an application raises issues of significant local importance they may request in writing that determination of an application be elevated to the Planning Committee. Note that parish councils, in concert with a ward member, can only **request** that an application be elevated to the Planning Committee. There is no automatic mechanism that such a request will result in the application being elevated to the planning committee for determination.

5.11 In contrast to Ashford, Swale's constitution stipulates:

*The delegated powers above [to determine applications] shall not be exercised in the following circumstances:*

*(a) applications where the decision of the Head of Planning would conflict with any written representation received within the specified representation period from:*

*(i) Any Member of the Borough Council;*

*(ii) A statutory consultee; or*

*(iii) A parish or town council;*

*provided that any such representations from (ii) or (iii) above are, in the opinion of the Head of Planning, based upon relevant planning considerations.*

5.12 Therefore, if an officers proposal is to approve an application under delegated authority, but a parish or town council has objected to the application on planning grounds, the application must be determined by the Planning Committee. The key difference to Ashford's approach is that the parish or town council do not have to make a referral through a ward member. If their representation would be in conflict with an officer's recommendation, and the representation is based upon relevant planning considerations, the application is automatically referred to the Planning Committee for determination.

5.13 The analysis of constitutions described the process under which **Members** of the four local planning authorities the Task and Finish Group studied can request or require applications to be determined by the planning committee. The position for each council can be summarised as follows:

- Swale: any Member of the Council can submit written representations which will result in an application being elevated to the Planning Committee to determine, irrespective of whether those representations are based upon relevant planning considerations;
- Ashford: in both parished and unparished areas, if the ward member considers an application raises issues of significant local importance, he/she may request in writing that the determination of an application be elevated to the Planning Committee (alternative provisions can be instigated in the absence of a ward member);
- Thanet: Members can specifically request that an application is referred to the Planning Committee in accordance with the requirements of any Member's Call In procedure (set out in Thanet's Protocol for the Guidance of Planning Committee Members and Officers); and
- Tunbridge Wells: those applications or notifications that any Member of the Council requests be determined by the Planning Committee and the grounds on which it warrants discussing by the Planning Committee (such

must be made in writing to the Head of Planning specifying material planning grounds on which the request is made and received within 21 days or publication of the weekly list whichever is the latter).

5.14 Only Ashford’s constitution makes particular provision in respect of the Planning Portfolio Holder and Members of the Planning Committee being able to elevate applications to be determined by the Planning Committee.

**Timing and costs**

5.15 Applications referred to the Planning Committee for determination are significantly more resource intensive – they cost more to process and take longer to decide.

5.16 An analysis by the Planning Team against the Planning Advisory Service Benchmarking data shows that:

- cost to process a delegated planning application £141
- cost to process a planning application through Committee £838
- difference £697

5.17 In terms of timescales, according to analysis undertaken by the Planning Team in 2015, on average it took 34 extra days to process a decision that went through the Planning Committee and on average all decisions made through this process failed to meet legislated targets. The following table provides a detailed breakdown:

	Average days taken to make and process a planning decision	Where Delegated	Delegated decision days past target date	When referred to Planning Committee	Committee decision days past target date
Target KPI days	Total average	<b>62</b>		<b>96</b>	
91	Major	86	-5	129	+38
56	Minor	55	-1	88	+32
56	Other	52	-4	62	+6

5.18 In terms of the reasons why applications were referred to the Planning Committee rather than be decided under delegated authority, an analysis of Planning Committee agendas between July and December 2017 shows that there were:

- 36 (68%) representations by parish or town councils;
- 4 (7.5%) applications submitted either by SBC Members or officers;
- 11 (21%) called in by SBC members (ward or otherwise); and
- 2 (3.5%) exceptions to the Local Plan or raised issues of wider public interest.

5.19 During that six month timeframe, of the 36 applications which had been referred to the Committee as a result of representations received by parish or town councils, the relevant parish or town council attended the meeting to speak to the relevant application in 9 instances, did not attend to speak in 24 instances and in the case of 3 applications, the items were either withdrawn, deferred or the objection had been withdrawn. Further details of the analysis can be found at Appendix III.

5.20 As can be seen from the analysis of the last six months of Swale's Planning Committee agendas, the vast majority of planning applications that came to the Planning Committee for determination were as a result of representations made by parish or town councils. The schedule at Appendix IV summarises the provisions for parish and town councils and planning committee referrals for all local planning authorities in Kent.

5.21 The following table shows the degree to which parish and town councils need to meet certain criteria in order for an application on which they made a representation being elevated to the planning committee for determination:

Local planning authority	Provision for PCs & TCs?	Ward member support needed?	Statement of planning reasons needed?	PC/TC would need to attend?
Dartford	X	-	-	-
Dover	X	-	-	-
Gravesham	X	-	-	-
Thanet	X	-	-	-
Tonbridge and Malling	X	-	-	-
Tunbridge Wells	X	-	-	-
Ashford	√	√	X	X
Canterbury	√	X	√	√
Maidstone	√	X	X	X
Medway	√	X	√	X
Sevenoaks	√	√	√	X
Folkestone and Hythe	√	X	√	X
Swale	√	X	√	X

5.22 Six of the Kent LPAs make no provision in their constitutions for parish and town councils to have applications on which they have made representation



which are contrary to officer recommendations elevated to the planning committee.

5.23 Ashford and Sevenoaks do enable applications to be elevated in such cases, but only where they have the support of a ward member (who can, in any case refer applications directly him or herself).

5.24 All of the remaining Kent LPAs (except for Maidstone) require those representations to be based on material planning considerations.

5.25 In addition, Canterbury's criteria is alone in stating:

*“where a parish council or the Canterbury Heritage Design Forum, the Whitstable Society or the Herne Bay & District Residents Association object to a proposal and give notice that it would attend committee to support that objection on material planning grounds”.*

## **6 - Conclusion**

6.1 The Task and Finish Group have concluded that the Council should seek to reduce the number of planning applications coming before the Planning Committee for determination. They learnt that other local planning authorities in Kent set great store by ensuring as many 'routine' applications were determined under officer delegation, leaving their Planning Committees more time to make quality decisions on the most complex and controversial applications.

6.2 The Task and Finish Group also identified what appears to be an anomaly in SBC's Constitution regarding representations made by parish or town councils. In the case of Swale's Constitution, parish and town councils only need to make a representation on an application which, if it is contrary to what the planning officer is recommending, the application will be referred to the Planning Committee for determination. Parish and town councils do not 'request' that applications are elevated to the Planning Committee as they do in most other Kent local planning authorities. This results in a disproportionate number of applications being elevated to the Planning Committee for determination, whether or not that is the intention of the parish/town council. The following recommendation seeks to rectify this anomaly.

6.3 The Task and Finish Group also found that other authorities required Members to specify relevant planning considerations to justify requiring an application being determined by planning committees. This is currently not a requirement in the Council's Constitution, but the Task and Finish Group feel it should be as it underpins an effective development management process where decisions are taken purely on planning grounds. Furthermore, the Task and Finish Group considered that the requirement for representations from just three separate addresses should be increased to five to further reduce the number of applications coming before the Planning Committee for determination.

6.4 The TFG considers that Cabinet gives consideration to these findings and therefore recommends:

**Recommendation:**

**That the Constitution be amended as follows in respect of delegations to the Head of Planning. In particular, to reduce, where appropriate, the number of applications coming before the Planning Committee for determination (rather than being determined under officer delegation), the following criteria need to be met in order for applications to come before the Committee in respect of representations made by parish and town councils, Members of the Council and members of the public:**

- (a) Where parish and town councils make a representation on an application which they wish to be determined at Planning Committee, this representation needs to be submitted in writing and give detailed reasons which are relevant material considerations with the support of a Member of the Council. Additionally it will give notice that it and/or the Member of the Council will speak to the representation at Committee;**
- (b) Members of the Council to give relevant material planning considerations why an application should be determined at Planning Committee;**
- (c) letters of representation, or petitions, from at least five separate addresses where the decision of the Head of Planning would conflict with these for an application to be determined at Planning Committee;**
- (d) where a parish or town council and the relevant Swale Borough Council Member gives notice to attend and in the event does not attend without giving a justified reason, the Chairman of the Planning Committee shall have the right to decide whether the item should be heard or should be immediately delegated to officers.**

**Appendices**

- Appendix i    Review plan
- Appendix ii    Review participants
- Appendix III    Analysis of applications determined at SBC Planning Committee July-December 2017
- Appendix IV    Provisions regarding parish and town councils in Kent local planning authority constitutions

## O&S REVIEW PLAN: PERFORMANCE REVIEW



### **About performance reviews**

The objective of a performance review is to examine the reasons for apparent under-performance of a council service, to assess prospects for improvement, and to make recommendations to Cabinet where appropriate. The output of a policy review is always a report to Cabinet. Typical questions for this type of review are:

- Is this service genuinely under-performing, and if so why?
- Are there plans and systems in place which will help it improve?
- What more needs to be done?

The review needs to be tightly focused on a single service area which appears to be under-performing against performance indicators, planned actions, customer satisfaction or budget management. A performance review could also be conducted on a service run by one of the council's partners, but in this case the committee will need to be clear that it has sufficient powers to review the service and make recommendations for improvements – if it does not, then the issue should be treated as an information item.

### **Part 1: Business Case**

<b>Subject:</b>	Development Management
<b>Proposed by:</b>	Scrutiny Committee
<b>Length:</b>	Expected to take a year from start to finish once review has begun in earnest

#### **Objective**

- To review the effectiveness of Swale Borough Council's development management function;
- As necessary, to make recommendations to Cabinet.

#### **Justification**

The purpose of this review is to review a range of elements within the development management function which has concerned Members. These include:

- the usefulness of reports received from statutory consultees (eg. Kent County Council Highways; Highways England; Environment Agency);
- the role of parish and town councils in the development management process;
- the proportion of decisions before the Planning Committee, delegated decisions and impact on cost and performance;
- Member involvement in planning applications and Section 106 agreements – including the online tools available to help Members gain information on specific applications in their Wards;
- adoption of parcels of land on developments; and

- planning appeals.

The review is **not** concerned with the delays in processing planning applications, a backlog of casework and poor service to customers which resulted from the implementation of the shared planning support service with Maidstone and Tunbridge Wells Borough Councils.

### Evidence and information to be gathered

The following evidence and information will be sought:

- the protocols statutory partners operate when submitting representations on planning applications;
- what tools are available to Members to gain information on planning applications in their Wards, and to have greater input to Section 106 agreements;
- how Swale BC's system of deciding whether planning applications come before the Planning Committee or are delegated to officers compares with neighbouring councils – and what the implications are for cost and performance;
- the role of parish and town councils in the development management process and how this role can be further developed;
- the role of officers, Planning Committee Members and statutory consultees in the defence of planning appeals against the Council; and
- case studies on instances where small parcels of land on housing developments had created problems in relation to adoption and ongoing maintenance.

### Sources of information and evidence

<i>Individual or organisation</i>	<i>Committee session</i>	<i>Task and finish panel, site visit, correspondence, or other method</i>	<i>To be decided</i>
<ul style="list-style-type: none"> <li>• Cllr Gerry Lewin, Deputy Leader and Cabinet Member for Planning;</li> <li>• James Freeman, Head of Planning Services.</li> </ul>	√	X	X
<ul style="list-style-type: none"> <li>• Member involvement in planning applications and S.106 agreements</li> </ul>	X	√	X
<ul style="list-style-type: none"> <li>• Discussions with statutory consultees on the representations they make on planning applications</li> </ul>	X	√	X
<ul style="list-style-type: none"> <li>• Discussions with parish and town councils</li> </ul>	X	√	X
<ul style="list-style-type: none"> <li>• Observing how the Planning Committees</li> </ul>	X	√	X

and Development Management systems of other councils operate			
• Adoption of parcels of land on developments	X	√	X
<b>Organisation(s) to be reviewed</b>	If partners' activities are to be reviewed, what powers or influence does the committee have?		
	SBC only.		
	Partner organisation only.		
<b>X</b>	SBC working in partnership.		
<b>Timing constraints</b>	There are no timing constraints as such, but it would be useful for the Committee to report as soon as possible so that any recommended changes for improved practices that are accepted by Cabinet can be implemented quickly.		
<b>Part 2: Review Plan</b>			
<b>Review team</b>			
Lead review member:	Councillor Andy Booth		
Other review members:	Cllrs Cameron Beart, Lloyd Bowen, Derek Conway, Mike Henderson and Ken Ingleton.		
O&S support officer:	Bob Pullen, Policy and Performance Officer		
SBC service liaison officer:	James Freeman, Head of Planning Services		
<b>Key dates</b>			
Date to begin evidence gathering:	13 January 2016		
Date(s) of committee sessions (if any):	Initial 'sounding' meeting held on 13 January 2016.		
Date for draft report to be presented to committee:	To be decided.		
<b>Note:</b> Dates of committee session(s) and for the report to be presented to committee must be added to the committee forward plan.			

## Appendix II

### External review participants

Date of meeting/visit	Name	Organisation
8 March 2017	Councillor Mrs Julia Soyke, Planning Committee Chairman	Tunbridge Wells Borough Council
“	Councillor Barry Noakes, Planning Committee Vice-Chairman	“
“	Councillor Alan McDermott, Portfolio Holder for Planning and Transportation	“
“	Members of the Planning Committee	“
“	Karen Fossett, Head of Planning Services	“
“	Steve Baughen, Building Control and Development Manager	“
12 April 2017	Councillor Mick Burgess, Planning Committee Chairman	Ashford Borough Council
“	Councillor John Link, Planning Committee Vice-Chairman	“
“	Councillor Paul Clokie, Cabinet Member for Planning and Development	“
“	Richard Alderton, Director of Development	“
“	Lois Jarrett, Head of Development, Strategic Sites and Design	“
19 April 2017	Councillor Bob Grove, Planning Committee Chairman	Thanet District Council
“	Iain Livingstone, Planning Applications Manager	“

## Reasons for applications being referred to Planning Committee: 20 July to 7 December 2017

Planning Committee date	Reason referred to Committee				
	PC/TC objection	Spoke at Committee?	SBC/Member/Officer application	Representations (other than PC/TC)	Other
7 December 2017	9 London Road. Newington	Yes	13 Preston Park, Faversham	-	-
	2A Seathorpe Road, Minster	No	84 Scarborough Drive, Minster	-	-
	3 Oak Cottages, Selling	No	-	-	-
	Gladstone House, Faversham	Yes	-	-	-
	Ye Olde Timbers, Selling	No	-	-	-
9 November 2017	50 Southsea Avenue, Minster	No	-	124 East Street, Sittingbourne – Ward member objection	-
	Little Woottons, Minster	Yes	-	Paradise Farm, Hartlip – Ward member and parish council objection	-
	-	-	-	70 High Street, Blue Town – appeal against non-determination	-
	-	-	-	Tranquility,	-

Planning Committee date	Reason referred to Committee				
	PC/TC objection	Spoke at Committee?	SBC/Member/Officer application	Representations (other than PC/TC)	Other
				Upchurch – Ward member objection	
12 October 2017	116 Oak Lane, Upchurch	Yes	Parsonage Farm, Ospringe	5 Park Avenue, Sittingbourne – Ward member call in	-
	Ivygate, Minister	No	-	Briar Road, Borden – Ward members called in	-
	Ramblin Rose, Minster	No	-	Denstroude Farm, Dunkirk – Ward member called in	-
	Unit 2 Stickfast Farm, Bobbing	No	-	Callum Park, Lower Halstow – Ward members called in	-
	14 Stiles Close, Minster	No	-	-	-
	Woodstock, Doddington	No	-	-	-
	37 Homefield Drive, Rainham (within Upchurch)	Yes	-	-	-
	196 Barton Hill Drive, Minster	No	-	-	-
	117 Chequers Road, Minster	Deferred	-	-	-



Planning Committee date	Reason referred to Committee				
	PC/TC objection	Spoke at Committee?	SBC/Member/Officer application	Representations (other than PC/TC)	Other
	Little Oyster Residential Home, Minster	No	-	-	-
	27 Hilton Close, Faversham	No	-	-	-
	Standard Quay, Faversham	No	-	-	-
12 September 2017	6A The Broadway, Minster	No	-	-	Rook Lane, Bobbing – Exception to Local Plan, also PC objection
	Sunset, Minster	No	-	-	The Tracies, Newington – Exception to local plan plus wider public interest
	27 Sharfleet Crescent, Iwade	No	-	-	-
	Sheerness Holiday Park, Minster	Application withdrawn	-	-	-
	The Old School, Dunkirk	Yes	-	-	-
17 August 2017	3 Orchid Close, Minster	No	46 Tanners Street, Faversham		
	Tevrin, Hartlip	No	-	-	-

Planning Committee date	Reason referred to Committee				
	PC/TC objection	Spoke at Committee?	SBC/Member/Officer application	Representations (other than PC/TC)	Other
	60-63 Preston Street, Faversham	No	-	-	-
	Manor Farm, Key Street, Sittingbourne	Yes	-	-	-
20 July 2017	The Laurels, Minster	No	-	Mill Farm House, Upchurch – Ward member call in plus PC objection	-
	The Slips, Minster	Yes	-	95 Borden Lane, Sittingbourne – called in by SBC member	-
	99 High Street, Newington	Yes	-	School Lane, Lower Halstow – Ward member called in	-
	Bramble House, Rodmersham	No	-	-	-
	4, Eastern Road, Leysdown	No	-	-	-
	Callaways Lane, Newington	PC objection withdrawn	-	-	-
	Elm Tree Inn, Minster	No	-	-	-
	49 Drake Avenue, Minster	No	-	-	-

## Appendix IV

### Kent Local Planning Authorities – Provisions in constitutions relating to parish and town councils

Local Planning Authority	Delegation rank	Summary of provision for parish and town councils in constitutions regarding referring matters to planning committees
Ashford	Joint 6th	In parished areas, if a Parish Council and the Ward Member together or the Ward Member acting alone consider that an application raises issues of significant local importance they or he/she may request in writing that determination of an application be elevated to the Planning Committee.
Canterbury	Joint 10th	Assistant Director Planning and Regeneration to determine all types of applications except: where a parish council [or local amenity societies] object to a proposal and give notice that it would attend committee to support that objection on material planning grounds.
Dartford	Joint 6th	No reference to parish or town councils in constitution in respect of planning committee or officer delegations.
Dover	Joint 10th	No reference to parish or town councils in constitution in respect of planning committee or officer delegations.
Gravesham	Joint 2nd	No reference to parish or town councils in constitution in respect of planning committee or officer delegations.
Maidstone	Joint 6th	The Head of Planning and Development has delegated power to undertake all the functions relating to planning and conservation, except where the intended delegated decision on a planning or related application: (b) would be contrary to the written view of any Parish Council and the Parish Council has requested that the application is determined by the Planning Committee.
Medway	9th	[Director] To determine applications for planning permission except in the following circumstances: (vi) where a parish council has within 21 days of the publication of the weekly list of planning applications requested that an application be determined by the Committee. In these cases Parish Councils should identify the material planning considerations to warrant consideration by Committee, otherwise the Director will deal with the application.
Sevenoaks	1 <sup>st</sup>	Chief Planning Officer to exercise all the powers and duties of the council as a LPA subject to the following exceptions: (iv) a written request for consideration by the Development Control Committee, supported by an appropriate planning reason, has been received from a Member of the Council relating to an application in their Ward no later than seven calendar days following notification by the Chief Planning Officer of a proposed recommendation which is contrary to representations received in support of, or in objection to, an application from the Town or Parish Council for the area.
Folkestone and Hythe	Joint 2nd	The Head of Planning is authorised to determine the categories of applications set out in [X] except those that:

Local Planning Authority	Delegation rank	Summary of provision for parish and town councils in constitutions regarding referring matters to planning committees
		<p>(f) Are planning applications where the view of the parish or town council differs strongly from that of the Head of Planning except where an objection:</p> <ul style="list-style-type: none"> <li>i. relates to the principle of a proposal which already has outline planning permission; an issue determined at outline stage or an application of similar scale or character to one already approved;</li> <li>ii. is for the renewal of a planning permission without stating what, in the view of the town or parish council, planning circumstances have changed since the grant of the original permission which would justify a refusal, is made without giving any reasons, or is only made on the basis that the work has already been implemented;</li> <li>iii. is made without giving any reasons;</li> <li>iv. is based upon a technical issue where the body responsible for providing advice on the issue is satisfied with the proposal subject to any evidence which contradicts that advice first being investigated;</li> <li>v. is to minor operational development (e.g. domestic extensions, alterations to buildings, means of enclosures, accesses).</li> </ul> <p>(g) Are planning applications where the view of a parish or town council differs strongly from that of the Head of Planning except where it expresses support for an application but that application is clearly contrary to development plan policy and / or government guidance.</p>
Swale	13th	Applications to be determined by the Planning Committee when the decision would conflict with any written representation received within the specified representation period from a parish or town council, provided that any such representations are, in the opinion of the Head of Planning, based upon material planning considerations.
Thanet	Joint 10th	No reference to parish or town councils in constitution in respect of planning committee or officer delegations.
Tonbridge and Malling	Joint 2nd	No reference to parish or town councils in constitution in respect of planning committee or officer delegations.
Tunbridge Wells	Joint 2nd	No reference to parish or town councils in constitution in respect of planning committee or officer delegations.