

Planning Process

South Cambs District Council (SCDC) is the Planning Authority and makes the decision on most applications (except those that are considered under regulation 3 by the County Council e.g. Schools (but they follow a similar process – in these cases SCDC is a consultee)).

Under normal conditions a planning application follows the following process:

- the applicant or the agent carries out pre-application discussions with SCDC (although there is no formal requirement for this).
- the applicant or the agent can carry out pre-application discussions with the Town Council and/or the wider community, but there is no requirement for this, except for applications accompanied by an Environmental Statement to which are required to carry out community consultation.
- applicant (or agent on their behalf) submits a planning application to SCDC.
- SCDC looks at the application submission to check if it is supported with sufficient information and is accurate to allow it to be considered.
- SCDC is required to prepare a local validation list every 3 years otherwise the national requirements for planning applications are implemented. A pre-application discussion can identify what is needed to support an application.
- a case officer is allocated the application.
- SCDC validates the application and the process starts – an application should be determined generally within 8, 13 or 16 weeks unless an extension of time or alternative timetable is agreed. No extension of time can be agreed to prior approval applications.
- SCDC will consult on the application to the statutory consultees, neighbours and relevant non-statutory consultees. The Town Council is a statutory consultee. Depending on the application there may also be press and site notices. The application is also published on the web.
- normally a consultation period is 21 days.
- the case officer will also seek to carry out a site visit.
- the Town Council considers the application and can make a response in one of three ways.
 - Supports - with or without comments (e.g. suggested planning conditions)
 - objects – with or without comments
 - has no recommendation/comment.
- where a Local Member or Parish/Town Council writes, or emails a request for a particular application to be considered by Planning Committee, sound planning reasons are given for why this is considered necessary the SCDC Planning Chairman in consultation with designated officers consider:

- Relevant material planning considerations raising significant planning concerns.
 - Significant implications for adopted policy.
 - The nature, scale and complexity of the proposed development.
- SCDC then the case officer considers the consultation responses, planning policy and material planning considerations and prepares a report.
 - if their opinion that the case raises no significant issues calling for matters to be considered by Committee the application can be delegated approved or refused after checking with a relevant senior officer (e.g. could be signed by team leader, principal planning officer or assistant director, for example).
 - on an application where the delegation agreement outlined in the Council's Constitution (below) is exceeded or where the Chairman considers it appropriate, this will go to the Planning Committee of the District Council for consideration and decision.
 - on certain planning applications a s106 agreement is negotiated by officers and completed before a decision can be issued.
 - all pre-commencement conditions must be agreed with the applicant prior to decision. It is best practice of the wording of all conditions to be agreed wherever practical. The applicant has 10 days to consider pre-commencement planning conditions.
 - the decision is then sent to the applicant or the agent in the form of a Decision Notice and copied to the Town Council and published on the web.
 - if the applicant or the agent is aggrieved by the decision of the local planning authority to refuse permission for the proposed development then they can appeal to the Secretary of state for the environment under section 78 of the Town and County Planning Act 1990.
 - the applicant can also appeal against non-determination if the timetable exceeds the statutory/agreed timescales.
 - if an objector/interested party is aggrieved by the decision they should complain through the Council's complaints procedure which could then be progressed to the Ombudsman for Local Government if the issue is not resolved.
 - on certain applications (e.g. a significant departure from the development plan) and applications supported by an Environmental Statement the Council should notify the National Planning Casework Unit (on behalf of the Secretary of State) as to whether the application needs to be called-in for independent consideration.
 - if an aggrieved person (can be an applicant) considers that the Council has erred in law, they can lodge a Judicial Review to the application with the High Court. This must be done within 6 weeks of the decision.

The Council's Constitution:

Applications will be dealt with under delegated powers unless:

a) A Local Member or Parish Council writes, or emails a request for a particular application to be considered by Planning Committee, sound planning reasons are given for why this is considered necessary and the request is accepted by the Chairman of Planning in consultation with designated Officers.

The request by Parish councils should be made within 21 days of the date of registration and by Local Members not later than 28 days of the date of registration of the application, or within 14 days of receipt of any subsequent significant amendment to a current proposal. If the Chairman declines a request, a written explanation will be given to the Parish Council and copied to the Local Member.

b) An application is made by an elected Member or an officer of the Council, or a household member of either of such persons, and representations objecting to the application have been received (delegation is still permitted if the application is refused);

c) If approved, the application would represent a significant departure from the approved policies of the Council (officer delegation is still permitted if the application is to be refused). Significant departures will include but are not limited to development which requires referral to the Secretary of State;

d) Any 'Major' or 'Minor' application relating to the Council's own land or development where representations have been received against the proposal;

e) The application is for the demolition of a listed building or a Building of Local Interest or

f) The application is one that in the opinion of officers, in consultation with the Chairman and Vice-Chairman, should be determined by Committee because of special planning policy considerations, the complexity of the application, the application is significant and/or strategic importance to an area beyond both specific site and parish.

Note:

For the purposes of considering requests under clause a) The Chairman in consultation with designated officers will have regard to the following criteria:

- Relevant material planning considerations raising significant planning concerns
- Significant implications for adopted policy
- The nature, scale and complexity of the proposed development.