

Deciding major planning applications

NOTES FOR GUIDANCE

Introduction

Changes to the way planning applications are decided were introduced across Scotland in August 2009. Planning applications submitted to the council are now termed either **major applications** or **local applications**.

This guidance note explains the procedures that the council has adopted for determining **major** planning applications. A separate guidance note sets out the procedure for determining **local** applications.

There are different ways in which major and local applications are determined by Stirling Council. Whether you are an applicant or a person who has commented on an application, it is important that you are aware of the category of application in which you are interested. A member of the Council's Development Management staff can advise you of this.

The determination process for major planning applications

If you are considering submitting a major application, there is now a statutory requirement to submit a *Proposal of Application Notice* to the Council, no less than 12 weeks in advance of the intended date of submission of the application. This form outlines the nature of the proposal and what consultation is proposed and with whom in the 12 week period leading up to the submission of the application. The Council has 21 days within which to respond and can request that additional notification and consultation above the statutory minimum is undertaken if appropriate.

When a major planning application is received, the Council will check to ensure it contains all the necessary information needed to decide on the proposal. The applicant may be asked by the Council to provide additional information.

A major application must be accompanied by a *Pre-application Consultation Report* that describes the extent of the applicant's discussions with the local community in the 12 week period leading up to the submission of the application. The council cannot accept a major application without this report. Even though an applicant may have received a representation in that twelve-week period, further representations can be made to the council once the application has been received.

Similarly, a major application must include a design and access statement. The council's Development Management staff will publicise the application, either by writing to the occupiers, owners and lessees of premises within 20m

of the site and/or by advertising the proposal. The Council will then consult certain key organisations.

In deciding the local application, professional planners from the Council will visit the site and will assess the proposal in accordance with the development and consider whether there are any other material considerations which should be taken into account. Once the merits of the application have been assessed and all the consultation responses and representations have been closely examined, a recommendation on the application will be made by the planning officer. In some cases, this may lead to a request to alter the application or provide more information. If the changes that are required are significant, the applicant may be asked to withdraw the application and re-submit it to allow further neighbour notification to be undertaken. A new application for a similar development does not normally require a fee provided it is submitted within one year of the registration of the previous application.

Before the decision is issued other procedures have to be followed.

The Council has up to four months to determine a major application unless it agrees a longer period with the applicant. If the council has not made a decision within that period, and the applicant has not agreed to an extended period, the applicant can appeal to Scottish Ministers on the grounds of non-determination. To do so, the applicant should contact **Scottish Government, Directorate of Planning & Environmental Appeals, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR** or alternatively, telephone **01324 696400** or log onto the web site at dpea@scotland.gsi.gov.uk.

Procedures that we follow

The Council has what is termed a *Scheme of Delegation* that sets out the determination process for local and major planning applications. Copies of the scheme of delegation are on the Council's website, the weekly planning schedule or available from Planning Services, Viewforth, Stirling.

In the case of Major Developments and subject to the right of Councillors to request (for relevant planning reasons) that the application be referred to the Planning Panel for determination, the recommendation of the Planning Officer shall appear in the Planning Schedule and such recommendation will become the decision of the Planning Authority unless the application is referred to the Planning Panel. In some circumstances, where the proposal is considered to be significantly contrary to the council's development plan, a hearing will be heard in front of the Planning Panel but the decision on the planning application will be taken by the full council.

It is important that you keep in contact with the planning officer who is responsible for your application. The case officer will be able to advise you of the determination method for your planning application and the key dates in this procedure.

Details of the committee dates and the councillors who make up the committee can be obtained from www.stirling.gov.uk

Decisions by the Planning Panel

If a major application is referred to the Planning Panel for determination, it will be placed on the agenda of the next appropriate monthly meeting. The applicant and those making representations on the application will be informed of the meeting and can request that they be given the opportunity to speak at the meeting. This is called a *Hearing*. This request can be made to the planning officer dealing with the application, or can be made directly to the Chief Planning Officer, the Chairperson of the Planning Panel or any elected member who can then pass on the request to officers. Generally this will occur only where it is felt that this will further inform the Panel in its consideration of a Planning Application and will only be used when considering more complex and contentious issues. Contributions will generally be limited to 5 minutes from each side.

The Planning Panel can decide to approve or refuse the planning application. If the major application is refused planning permission by the committee or it contains conditions that the applicant finds unacceptable, the applicant can appeal to Scottish Ministers within three months of the decision. Details of the means of appealing will accompany the council's decision notice.

What is the Planning Panel?

The Planning Panel is comprised of eight councillors. The Panel meets at the Council's main offices in Viewforth, Stirling. Members of the Panel receive reports on each application in advance of its monthly meetings. All valid representations that have been received are circulated to members of the Panel for their information and consideration and the specific points that have been raised by objectors will have been assessed and evaluated by professional planning officers. The report concludes by making a recommendation to the Panel. The Panel is not obliged to accept the recommendations of officers. Details of the committee dates and the councillors who make up the committee can be obtained from www.stirling.gov.uk

Do the members of the Planning Panel visit application sites?

Site visits are only carried out when the members of the Planning Panel and the Local Review Body deem it necessary and in instances where they consider it would aid their consideration of the issues. All members of the Planning Panel and the Local Review Body should attend the organised visits. However, if a Councillor cannot attend a site visit, he/she will not be able to

discuss or vote on the application at a subsequent meeting. Applicants and objectors may attend the site meetings to observe but should not take part in the discussion or ask questions unless asked to clarify certain matters by members. The purpose of the site visit is to allow councillors to familiarise themselves with the characteristics of the site and its surroundings. Members or officers will not discuss the merits of the case with anyone present on the site during the visit.

If an application is referred to the Planning Panel can I speak at the meeting?

An applicant, an objector or a supporter, or their professional agents can attend the meeting and, if it is agreed that a Hearing will be held, may also address councillors for a period not exceeding five minutes.

Once it has been established that a Hearing will take place a letter or e-mail will be sent to the applicant and those who have made a representation to ask whether they wish to make a representation. If a number of objectors wish to speak on a particular application, it would be preferable if a single spokesperson represents them.

Unfortunately, we may give you only a few days notice of the meeting and you are strongly advised to keep in contact with the case officer who can tell you of the progress of the application.

In the event of the application being withdrawn from the agenda, as can sometimes happen, we will try to contact applicants and objectors to let them know and avoid a wasted journey. It is therefore important that you provide a daytime telephone number or e mail address on your correspondence.

How can I obtain a copy of the report on an application which is to be considered by the Planning Panel?

When an application is to be determined by the Planning Panel, the agenda and reports can be obtained five working days before the meeting and are available from Committee Services staff at the Council offices in Viewforth, Stirling. Copies can also be downloaded from www.stirling.gov.uk

The information contained in this note is for your guidance only. If you are in any doubt about any of the procedures you should contact staff at Development Management, Viewforth, Stirling, FK8 2ET. Tel 01786 442515 or e-mail planning@stirling.gov.uk