

Annex 1

Development Management Officer Protocol Member Call Ins

The constitution sets out that planning applications will be determined under authority delegated to the Director of Planning, Housing & Environmental Health (DPHEH) unless in certain prescribed circumstances, including (inter alia) where:

Member for the relevant Ward in which the application site falls may require that the application be determined by the relevant Area Planning Committee provided that:

- (a) The request is made within 21 days of notification of the application to the Member; and*
- (b) The request must include with reasoned justification on proper planning grounds as determined by the Director of Planning, Housing and Environmental Health in consultation with the relevant Area Planning Committee Chairman.*

Notification of the application to the Member will usually be via the weekly case list, which is sent electronically.

In order to register a call in, the relevant Member is required to email the Case Officer and the Development Manager to log the call-in request. The case officer's details will appear on the weekly list. The weekly list can be found on the view and comment on planning application section of the website. Link below.

[View and comment on planning applications – Tonbridge and Malling Borough Council \(tmhc.gov.uk\)](http://tmhc.gov.uk)

The Case Officer will then log the request on the call -in spreadsheet/equivalent recording means.

As outlined in (b) above reasoned justification on proper planning grounds should be given. Examples of such reasons include but are not limited to:

- The number, size, layout density, design, external appearance of the building*
- Height, width, depth of a development*
- Access or highway safety issues*
- Landscaping/ open space layout*
- Impact on the character of the area*
- Planning history of the site*
- Overlooking*
- Overbearing nature of the proposal*
- Loss of light*
- Impact on parking*
- Loss of privacy*

- *Loss of trees*
- *Loss of ecological habitats*
- *Land contamination from the previous use*
- *Effects on heritage assets for example listed buildings and conservation areas*
- *Effects on the setting of heritage assets*
- *Effects on AONB*
- *Effects on the Greenbelt*
- *Noise and disturbances*
- *Flood risk*

Examples of factors that cannot normally be considered as proper planning grounds:

- *Land ownership*
- *Boundary disputes / encroachment of gutters*
- *Private covenants*
- *Damage to property*
- *Potential profits*
- *Matters covered by other legislation and over which planning has no control*
- *Time taken to do work*
- *Building techniques*

Upon receiving a request for call in, the planning case officer will:

- Check that the request has been made by a Member whose Ward the planning application sits within
- Check that the request has been made within the requisite 21 days period
- Share the request with the DPHEH and Development Manager within 3 working days of receipt setting out if there is any reason as to why there are not reasoned justification on proper planning grounds. The DPHEH will then consider the request and consult with the relevant Chair. If the relevant Chair has any concerns about the proposed call in, these should be shared with DPHEH and should a follow up discussion be required with the Ward Member, this will be organised by the DPHEH.
- Once a decision has been made by DPHEH (ideally within 3 working days of receiving the call-in request, subject to consultation with the relevant Chair) the Ward Member will be advised in writing, explaining the position should the call in not be accepted.

Once an assessment of the case has been made, and prior to the committee report being drafted, **in all circumstances where there has been a call in**, arrangements will be made for an informal briefing to take place with the Chair, Vice-Chair and all Ward Members (not just the member who made the call-in request). For simpler cases

an email setting out the issues may be acceptable with agreement from the relevant chair.

The briefing, whether in writing or a meeting, should:

- Provide an overview of the scheme
- Explain the relevant policy position and all material planning considerations
- Provide a summary of representations received and
- Explain conclusions on what the recommendation to the planning committee will be
- Allow for Members to ask questions of officers

Officers should then follow up with a written briefing note summarising the discussion that took place, which should be circulated to members, copying in the HoP, Development Manager and Cabinet Member.

The committee report should then be drafted in the normal way, having due regard to the particular issues that were raised during the briefing. If the call-in request is only made on the basis of a recommendation for approval and the officer view is that planning permission should be refused, the relevant Member(s) can be updated by email.