

Housing and Planning Scrutiny Select Committee

03 December 2024

Part 1 - Public

Matters for Cabinet - Non-key Decision



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Cabinet Member Cllr Mike Taylor, Cabinet Member for Planning

Responsible Officer Eleanor Hoyle, Director of Planning, Housing & Environmental Health

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Procedure on amendments to planning including reserved matters applications

1 Summary and Purpose of Report

1.1 This report provides an update to the Non-Amendments Policy which went to Planning and Transport Advisory Board in March 2020. It is proposed that the procedure outlined in Annex 1 will replace the Non-Amendment Policy and be adopted as the new published procedure.

2 Corporate Strategy Priority Area

2.1 Efficient services for all our residents, maintaining an effective council.

3 Recommendations

3.1 That Members **AGREE** to the proposed changes to the process as set out in this report, namely:

- To adopt the amended procedure outlined in Annex 1. Namely to only accept amendments for planning applications (including reserved matters) that do not require further consultation and then approved by the Cabinet Member for Planning.

4 Introduction and Background

4.1 Following the Planning and Transport Advisory Board in March 2020 it was agreed that from 1 September 2020, amendments to planning applications will not be accepted, other than where the changes sought were considered to be 'de-minimis', correct errors or discrepancies identified by officers or where a Planning Performance Agreement was in place that provided for such amendments to be

negotiated between the parties. This was set out in paragraph 1.3.7 of the report. The narrative on the section is as following.

In order to ensure effective and efficient decision making combined with the importance of their being a fairness in approach, it is considered that there needs to be a marked change in the way amendments to live planning applications are dealt with. This is summarised as follows:

Amendments to schemes that amount to anything more than “de-minimis” changes or changes that are required to correct discrepancies or errors uncovered through officer assessment/investigation will not be accepted on any live application.

If officers having made a full assessment of a scheme determine that amendments are required in order to make a scheme acceptable in planning terms, they will firstly consider whether the harm identified can be obviated by imposition of condition. If this is not possible, the applicant will be invited to withdraw the application within a given timeframe, or their application will be recommended for refusal of planning permission.

4.2 Officers are strictly applying this policy.

5 Proposal

5.1 The NPPF states that decisions on planning applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

5.2 With the above in mind, it is proposed to change the current procedure of a Non-Amendment Policy and adopt a procedure on amendments to planning applications which provides clarity on the following:

- **When amendments will be accepted without a PPA**
- **When amendments will be accepted with a PPA**
- **When additional information will be accepted**
- **What happens when a refusal is recommended**
- **Information on the Planning Guarantee**

5.3 The full procedure is outlined in annex 1.

5.4 Currently amendments to drawings are only accepted as outlined in paragraph 4.1. Additional information is also accepted in cases where a holding objection from a consultee has been received to allow an informed decision to be made.

- 5.5 The proposed approach allows for some flexibility in determining a planning application. Currently the approach is more rigid with amendments not accepted. The advantages to this, is that this is a clear way of working. However, it offers little discretion. Working this way doesn't allow for a scheme amended as explained above. The proposal promotes a more customer focused approach to ways of working and will help improve the quality of schemes and customer experience whilst still enabling decisions to be issued in a timely manner.
- 5.6 It is at the discretion of the LPA whether to accept amendments and then to subsequently determine if the changes need to be reconsulted upon. Officers alongside their team leader will have the discretion to apply the suggested procedure and accept amendments which can be accommodated without requiring publicity. If the proposed changes are so significant as to materially alter the proposal, then a new application should be submitted and the current scheme refused or withdrawn.
- 5.7 Substantive negotiations on schemes should still take place in the pre application stage and amendments that require full re-consultation would only be accepted if the scheme is accompanied by a PPA, as per the PPA Protocol.
- 5.8 Amendments will only be accepted if requested by the case officer. If amendments are submitted by the agent or applicant without the agreement of the case officer, the scheme will continue to be determined as submitted. This will be clearly communicated to the applicant / agent.

6 Other Options

- 6.1 Remain with the current approach as outlined in the background section and don't accept amendments unless specified in paragraph 4.1 above.

7 Financial and Value for Money Considerations

- 7.1 There are no specific financial impacts identified from this proposed approach.

8 Risk Assessment

- 8.1 The risks associated with the amended procedure is that agents try to abuse this by submitting amendments late and without the agreement of the case officer. The risk has been mitigated by clearly stating in the procedure that amendments must be requested by the case officer, otherwise they will not be accepted.
- 8.2 A further risk is that processing of applications could take longer. This is mitigated by the fact that the proposal only accepts amendments that don't require re-consultation, therefore the risks around not meeting the national determination targets and fee repayment should remain at a very similar level to what is currently experienced.

9 Legal Implications

9.1 The ongoing work set out above will ensure that the practices in place will continue to meet all statutory duties and requirements.

10 Consultation and Communications

10.1 The local planning departments processes will be communicated on the Council's website to manage customers' expectations. This will allow full transparency to officers and reduce email explanations as customers will be pointed directly to the website.

11 Implementation

11.1 If agreed and the procedure adopted, an officer guidance note is required, which will include appropriate examples to ensure consistency. The website as explained above will reflect the process.

12 Cross Cutting Issues

12.1 Climate Change and Biodiversity

12.1.1 Limited and low impact the environment and emissions

12.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

12.2 There are no impacts on Climate change arising from this report.

12.3 Equalities and Diversity

12.3.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

12.4 Other If Relevant

12.4.1 None

Background Papers	None
Annexes	Procedure attached