

Committee: PLANNING  
Date: 11 December 2007

Report: REVIEW OF 'CALL-IN' PROCEDURE

### Purpose of the Report

1. To report to Planning Committee the outcome of a review of Call-In Procedures, and to make recommendations for future practise.

### Background

2. Section C 4.2 e) of the Scheme of Delegation gives every Member the right to call-in any application to the Planning Committee, provided that they do so in writing specifying a reason.
3. A letter was sent to all Members, in September 06, asking that they consider what public interest would be served by call-in, and to bear in mind the affect of call-in in terms of delay to the application process. See attached **Appendix**.
4. A review of the call-in procedure was approved by the Planning Performance Working Group as part of the Planning Improvement Plan. It was decided to review it after the changes to the Planning Committee had had 12 months to take effect.
5. The outcome & analysis below have been the subject of discussion with the Planning Member Champion.

### Reasons

6. This review covers twelve months of operation of the new 15 Member Planning Committee, running from September 2006 to August 2007 inclusive.
7. In this period, 14 applications were called in by Members, out of a total of 80 cases considered. (17.5% of Cttee cases)
8. The reasons specified by Members, for calling in cases, are listed below.
  - 1) *"Reasons related to processing of application."*

- 2) *'There are issues of highway safety that need to be weighed up against the visual impact of providing access and a car parking area at the application site. I consider that, given the particular circumstances, Members would be best placed to make this judgement.'*
- 3) *'The application is contentious and it is important to demonstrate that the maximum number of householders will be able to take advantage of any new sewerage system provided for the public benefit.'*
- 4) *' Questions were originally asked at Cttee by (another member) regarding the business plan which, I believe led to a lack of clarity. Specifically with regard to the ownership of the property. These are now clarified. The application has changed significantly from that which was originally considered and subsequently voted on by members.'*
- 5) *'I believe this to be a justified example of rural enterprise for a local person'*
- 6) *&7) 'the double glazing is not prominent within the timber wooden frames. In the present day energy saving is being demanded by the government. To my mind the double glazing does not affect the character or appearance of the building'*

(NB this request covered two applications, planning permission & Listed Building Consent for the same development.)

- 8) *'Significant visual gain*  
  
*Apart from a slight increase in floor area it complies with most of the 'replacement dwelling policy'*
- 9) *"Marrick Park has been lovingly and carefully restored to its former glory by way of a multi million pound investment by its current owner. Once more this fine house, a listed building, and its important estate, graces the gateway to Upper Swaledale, perched as it does on the escarpment that overlooks the entrance to the Dale. The application for the conversion of a modest outbuilding to form a small staff annexe, whilst apparently challenging the housing policies of the Authority, does however need to be considered also against the important contribution the newly restored Marrick Park now makes to the built environment in this very special part of the Yorkshire Dales. Members are probably in the best position to make this judgement and I ask that the application is brought to the Planning Committee for determination."*
- 10) *"This application is of high importance to the local communities in Swaledale and Arkengarthdale given that it addresses the issue of local affordable housing in an area that has been shown in detailed housing surveys recently conducted to be chronically short of affordable houses for local people. It is also the largest application for housing in Swaledale which has been submitted for several years. On these counts it seems to me to be essential*

*in the public interest that it should be considered and decided in the public domain at the Planning Committee and I make this request accordingly."*

- 11) *'My reasons concern the analysis of need for the application building'*
- 12) *'The reason for this is that the application hangs upon qualification of local occupancy and Dent Parish Council members feel that greater clarity and confidence would be gained by the decision being taken by the committee.'*
- 13) *"There have been a series of planning applications at the former Metcalfes Farm in Reeth, all of which have been the subject of concern, both from local residents and Reeth Parish Council. This application is no exception, with doubts being raised within the community inter alia about the exact location and nature of the development being proposed and the level of information being shown on the accompanying plans. In these circumstances I consider it is in the local public interest for the application to be decided by Planning Committee."*
- 14) *'In my opinion development complies with Policy No E.4.'*

## **Outcomes**

9. In eleven of the fourteen cases, the Member who called it in subsequently moved a resolution to determine it contrary to officer recommendation, or spoke in favour of such a resolution.
10. In four cases the member concerned sought **refusal** contrary to a recommendation to approve, or expressed concern about the proposal. In the other ten cases the member sought **approval** contrary to policy, or expressed support.
11. Nine of the call-ins led to a Committee site visit.
12. Six cases resulted in reference back and a decision contrary to recommendation. In one further case it led to reference back but subsequent decision in line with recommendation.
13. In seven cases the final decision was in line with recommendation, despite a resolution in four of them to the contrary.

## **Analysis**

14. Of the **reasons** given for calling in an application, nine or ten deal with material planning considerations. However, in some cases while there is some reference to potential material considerations it isn't clear why it is appropriate to refer the matter to Planning Committee.
15. In only six cases is there a clear explanation of a Member's view why the case should go to Committee.

16. Five of the reasons given suggest some pre-judgement of the case, rather than a 'public interest' reason for committee determination.
17. Only one of the cases attracted wide public interest. Two others had strong objections from immediate neighbours, but this only triggered a call-in in one of these two cases.
18. Each of the Members who called in an application recorded **lobbying** on that application.
19. The only thread common to all fourteen is that the Member in question was lobbied, and that in the majority of cases (11 of 14) they subsequently supported a decision contrary to recommendation, but in line with the lobbying.

### **Observations**

20. The early trends identified warrant discussion with Members. The call-in procedure has been part of the delegation scheme for a long time, but has never been subject to debate on the circumstances in which Members, collectively, consider it appropriate to use it. It may be that, through such debate, appropriate criteria and guidance can be established to assist Members.
21. There are obvious disadvantages to the use of a call-in procedure.
22. Call-ins delay determination of an application, by up to seven weeks in the worst case scenario, but typically by a few weeks. It depends on when the request is made in relation to the deadline for the next committee. This delay is frequently enough to take the application over the 8 week target. Members should consider this, in view of the Authority's need to maintain performance. Call-ins also add to officer workload. As a majority of call-ins lead to committee site visits, and many to reference back, they can also incur significant costs for the Authority. Attendance at Planning Committee and site visits can also represent a significant cost to applicants & objectors.
23. Members need to be sure that there is sufficient justification for a call-in to outweigh the disadvantages.
24. It is worth considering further guidance to assist Members in deciding whether or not to call-in an application. If lobbying has had a bearing on some of the decisions taken, guidance may also assist Members in declining requests for unnecessary call-ins.
25. The only good reason for calling an application in is that the public interest is better served by the Planning Committee determining it, than by delegated powers being used.

26. An appropriate measure would therefore be that there was a high level of public interest in the case. This would be evident from the representations received. Where a significant number of people were writing in both for and against a proposal, as at Garrs End Lane, there is a clear case for committee determination, so that they get the opportunity to address the decision makers and listen to the debate. This will hopefully result in better understanding and acceptance of the decision.

### **Conclusion**

27. Whilst 'call-in' is a necessary part of the Delegation Scheme, to ensure that overall control remains with Members, it needs to be used responsibly in the interests of efficient decision making. Members should therefore, when giving their reasons, ensure that they indicate the public interest served in exercising their right.

### **RECOMMENDATIONS**

28. Retain Members' right to call-in any application to the Planning Committee, as set out in Section C 4.2 e) of the Scheme of Delegation.
29. In exercising their right to call-in applications to Planning Committee, Members shall consider what public interest is served by doing so, and specify it as part of their reasons.

**Peter Watson**  
**Head of Planning**



Date: Sept 06

Dear Member

### **Calling in planning applications to the Planning Committee**

As you will be aware, the Authority's Scheme of Delegation gives every Member the right to ask that any planning application be referred to the Planning Committee for determination. The purpose of this letter is to offer Members advice on current procedures.

The Scheme requires that such requests are to be made in writing. You can use letters, emails or faxes for this purpose, please address them to the case officer.

Changes to the Scheme, agreed at the July meeting of the National Park Authority mean that you should specify a reason for calling in the application. The reason given will be noted in the report. In view of this, it would be helpful if you considered the public interest that would be served by committee referral, when identifying reasons.

We are under pressure to meet performance targets. Taking a case to Planning Committee will often mean that it goes over the 8 week deadline. We would therefore request that Members take account of the disadvantages of call-in, in terms of delay, when considering making a request. This is clearly a matter for judgement on Members' part.

In those cases where you feel that the benefits of call-in outweigh the disadvantages, the sooner you make a request the better. This helps officers to schedule the case for the agenda of the first available committee meeting. In saying this we recognise that there will be some cases where the need for a call-in only becomes apparent to you late in the day.

It is always possible to make provisional requests for call-in. Members sometimes ask that a case be called in 'if the recommendation is X, but not if its Y'. This has happened, for instance, where a Member has been aware of a high level of local concern about a proposal, when a delegated decision to refuse would not be controversial, but a recommendation to approve, in the face of strong opposition, would be better considered in a public meeting. A provisional request in such circumstances makes efficient use of officer & member time.

I hope that the above advice is helpful, but please feel free to contact me if you would like to discuss it.

Yours sincerely

Peter Watson  
Head of Planning