

## CONSTITUTION PRACTICE NOTE

### PROCESS FOR DEALING WITH PLANNING APPLICATIONS DELEGATED TO THE DIRECTOR OF SUSTAINABLE COMMUNITIES

1. The Director of Sustainable Communities (DSC) determines 97% of all planning applications. Paragraph 3.4.2(h)(xix to xxvii) of the Council's Constitution shows when an application should be referred to the Planning Committee
2. All applications to be determined under the DSC delegation are the subject of a written report (known as a "Delegated Report") by the case officer together with a recommendation that the application is approved or refused
3. Each Delegated Report sets out:
  - a) The views of those consulted and the content of any objections or support.
  - b) Details of the relevant policies in the Development Plan, the relevant planning history of the site and any other relevant information.
  - c) The recommended decision based on an assessment of the above considerations.
4. The person exercising the delegated authority must make the decision based on the legal test, which is that the application should be determined in accordance with the Development Plan unless Material Considerations indicate otherwise. Material Considerations are wide ranging and include such matters as;
  - disturbance to neighbouring occupiers
  - visual impact
  - traffic impact
  - other environmental issues
  - they do not include impact on property values or the right to a view

There are a number of others, please see practice note on [Material Considerations](#)

5. No delegated authority is exercised before the expiration date of any consultation or notification period on the application.
6. Decisions on delegated applications are not made at any specific meeting of officers but are dealt with by any individual officer having the requisite delegated authority on an "as and when ready" basis.

7. If an applicant disagrees with the decision s/he may be able to appeal to the Secretary of State against that decision in the same way as if a decision had been made by Councillors in Committee
8. Once decided a copy of the Delegated Report is made publicly available. Please click [here](#) to go to the Council's public access area for planning applications.