

# Guidance for **deciding local planning applications**



**Planning Services** Development Management

## 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 **local** planning applications. A separate guidance note sets out the procedure for determining **major** applications.

There are different ways in which major and local applications are determined by West Lothian 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 local planning applications

When a local 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.

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 plan unless there are over riding reasons not to do so. 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 council's Development Management Manager. Even if objections to an application are received, planning permission may still be granted.

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

The council has up to two months to determine a local application unless it agrees a longer period with the applicant. If the decision has not been made and the applicant has not agreed to an extended period, the applicant can seek a review of the case from the council's Local Review Body on the grounds of non-determination. To do so, the applicant should contact the Local Review Body administrative officer at the West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF.

## Procedures that we follow

The council has what is termed **schemes of delegation** that set out the determination process for local and major planning applications. Information on the [scheme of delegation](#) can be found on the council's website.

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The schemes of delegation mean that there are several ways in which a local application can be decided.

1. A local applications with no objections and that is in accordance with the development plan can be approved by the Development Management Manager unless a member of the council has asked it to be referred to the Development Management Committee.
2. Certain applications, such as those with more than 15 objections which are recommended to be approved must be considered by the Development Management Committee. The case officer will advise if this applies to the application in which you are interested.
3. Decisions to approve or refuse all other local applications are placed on a weekly list and councillors for that ward and the chairman of the Development Management Committee have seven days during which they can refer the local planning application to the Development Management Committee.
4. If the local application which is to be refused or which has attracted objections is not referred to the Development Management Committee, the decision is taken by the Development Management Manager
5. 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 Development Management Committee 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 the [council's website](#).

### **Decisions by the Development Management Manager**

The council's Development Management Manager can approve or refuse local planning applications without them being considered by the Development Management Committee. The Development Management Manager and his staff are based at West Lothian Civic Centre in Livingston and are professionally qualified planners. After assessing the local application the council's planners will prepare a *handling report* setting out the reasons for the decision and this will be available from Development Management, West Lothian Civic Centre in Livingston and on the [planning portal](#).

If the application is refused or it contains conditions unacceptable to the applicant, the applicant can seek a review of the case from the council's Local Review Body within three months of the decision.

A separate guidance note setting out the procedures involved in a statutory review is available on request and will also will be enclosed with the council's decision notice on the local planning application.

### **What is the Local Review Body?**

The council's Local Review Body is normally a group of five councillors who will review the decision of the Development Management Manager. The Local Review Body can either accept the decision of the Development Management Manager or can alter it. The Local Review Body has a statutory framework in which it must operate and can deal with reviews in different stages. There is no right of appeal against the outcome of a review other by challenging the way the decision was taken for legal reasons.

Details of the dates of the Local Review Body and the councillors who make up the body can be obtained [online](#).

## **Decisions by the Development Management Committee**

If a local application is referred to a Development Management Committee 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 will be invited to make a five minute presentation to councillors before the application is finally decided.

Copies of the Development Management Manger's report will be made available on request before the meeting.

The Development Management Committee can decide to approve or refuse the planning application. If the local 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 Development Management Committee?**

The Development Management Committee comprises of nine councillors. The committee meets at the West Lothian Civic Centre in Livingston. Members of the committee receive reports on each application in advance of its monthly meetings. All valid representations that have been received are circulated to members of the committee 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 committee. The committee is not obliged to accept the recommendations of the Development Management Manager.

Details of the committee dates and the councillors who make up the committee can be obtained from the [council's website](#).

## **Do the members of the committee and the Local Review Body visit application sites?**

Members of the committee and the Local Review Body do visit application sites which are considered on a case by case basis. Site visits for committee are normally held on the Monday before each committee and on the day of the Local Review Body meeting before items are heard. All members of the committee and the Local Review Body are invited to attend the organised visits. Councillors may choose to visit the sites in their own time however.

Applicants and objectors are not invited to attend the site meetings. 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 Development Management Committee can I speak at the committee meeting?**

An applicant, an objector or a supporter, or their professional agents can attend the meeting and may also address councillors for a period not exceeding five minutes if notified in advance.

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, once it has been established that the application will be considered by the Development Management Committee. If a number of objectors wish to speak on a particular application it would be preferable if a single spokesperson represents them.

In any event you must return the form by 12 noon on the Monday before the committee meeting. If you do not and we have no record of a response then you may lose the opportunity to address the committee.

Unfortunately we may only give you 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 and 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.

It should be noted that you may only speak if the planning application is being dealt with by the Development Management Committee. There is no provision for speaking if applications are decided by the Development Management Manager under delegated powers.

### **How can I obtain a copy of the report on an application which is to be considered by the committee?**

When an application is to be determined by the Development Management Committee, the agenda and reports can be obtained [online](#) five working days before the meeting and advice on obtaining copies of the agenda.

### **Customers with special requirements**

Information is available in **Braille, tape, large print** and **community languages**. Please contact the **interpretation and translation** service on **01506 280000**

**Text phones** offer the opportunity for people with a hearing impairment to access the council. The text phone number is **18001 01506 464427**. A loop system is also available in all offices.

Development Management, West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF

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