

# Statement of Community Involvement

Adopted April 2014

Having Your Say  
in Creating Our  
Future



Leaflet 3

Getting Involved in Planning Applications

# Statement of Community Involvement

## Getting Involved in Planning Applications – SCI Leaflet 3 of 3

This leaflet should be read alongside the Planning Charter (Sept 2010), which outlines the Council's commitment and responsibilities to planning and development management in North East Derbyshire. For more information please refer to Council's website ([www.northeastderbyshire.gov.uk/environment-planning/planning/otherp/planning-charter](http://www.northeastderbyshire.gov.uk/environment-planning/planning/otherp/planning-charter))

The planning charter is scheduled for review during 2014. Any changes to it will be reflected in the SCI.

### 3.1 Planning applications

The Development Management team is responsible for assessing all planning applications for development, advising the council's Planning Committee on applications, determining certain types of planning applications under delegated powers, providing advice on development proposals and dealing with any unauthorised development in the district.

All decisions taken on planning applications must be made in accordance with the adopted Development Plan (see leaflet 2), unless any other material considerations indicate otherwise, including national planning guidance or site specific matters relevant to a particular case. Please refer to Appendix B for a definition of the term 'material consideration'.

### 3.2 Getting involved in planning applications

The publicity procedures to be followed on planning applications are laid down by Government legislation and regulations. The council meets all of these minimum statutory requirements and we also publicise on a wider basis than the 'statutory minimum' wherever possible to ensure that we maximise opportunities for community involvement.

For all planning applications the following notification protocol will take place as a minimum;

*Neighbourhood notification letters will be sent to neighbouring properties that are defined as all properties (other than vacant, open or agricultural land) whose boundary adjoins or is within 4 metres of the application site. However, if the adjoining property is over 90 metres from the location of the development within the application site, that property will not be notified in writing. At least one site notice will also be put up in a location that is easy to view by the general public.*

Planning applications, including supporting documents and corresponding plans and elevation drawings, can be viewed online and are also available to view at the Council House, Saltergate, Chesterfield during normal office hours (8.30am–5.00pm Monday–Thursday and 8.30am–4.30pm on Fridays). Planning Officers are available at the Council House to give advice on current or proposed applications (you are advised to make an appointment if you wish to speak to a particular officer).

Comments on planning applications must be made in writing within 21 days from the date of our notification letter or within 21 days from the date of a press notice or site notice appearing. Please note that comments submitted after the 21 day publicity period has expired may not be considered because a decision may have already been made on the planning application. Any plans that amend the original application will be re-advertised for a further 14 days.

**You can make comments;**

- Online at : <http://planapps-online.ne-derbyshire.gov.uk/online-applications/>
- By email at : [developmentcontrol@ne-derbyshire.gov.uk](mailto:developmentcontrol@ne-derbyshire.gov.uk) (Please quote the application number)
- By post to : Development Management, North East Derbyshire District Council, Council House, Saltergate, Chesterfield, S40 1LF

### **3.3 Public meetings and exhibitions**

Dependent upon the scale, nature and potential impact of the development proposal on the local community, developers may need to carry out their own pre-application public consultation. Some major planning applications will need to be accompanied by their own Statement of Community Involvement.

These consultations should be carried out at an early stage in the design process, to enable community views to be incorporated into the submitted proposal. The form of consultation will need to be tailored to suit the particular circumstances of the site, proposal and locality, and the council can provide advice on what level of pre-application consultation would be appropriate, for example through a public meeting, exhibition, or other forms of community involvement. For probity reasons (ensuring that decisions are taken in a fair and open manner), the council's Planning Officers would not normally participate in these public meetings or exhibitions other than to provide background information.

As a minimum, the consultation statement submitted with the application should include;

- the houses, businesses and local community groups consulted;
- methods and timing of consultation; and
- feedback and information on how the views were addressed in the development proposal.

**What is a 'major' development;**

- A full planning application for housing development of 10 or more houses;
- An outline planning application for housing development on a site of 0.5 hectares or more;
- For any other development where the floor space of the building to be created is 1,000m<sup>2</sup> or more, or on a site of 1 hectare or more.

## 3.4 Decision Making and Planning Committee

In line with the Council's Constitution, most planning applications are determined under delegated powers and the Council's Planning Committee makes decisions on the other applications.

For those applications determined by the Planning Committee, the council allows public speaking at the Committee meeting to give the public an opportunity to speak during the decision making process. Guidance on how members of the public can speak at Planning Committee is outlined on the Council's website.

A member of the public or their representative will be allowed to speak where he/she has made a written representation to a planning application and indicated that they wish to speak at Committee.

Members of the public or their representatives are allowed no more than 3 minutes to speak (or 5 minutes when using a 3D model such as Google sketch to support their argument). Where a petition is received, only the chief petitioner will be allowed to speak on behalf of those objectors who have signed the petition. Supporters of a proposal, who are independent of the applicant, will also be given the opportunity to speak for a 3 minute period provided they have lodged a written representation to that effect.

The applicant and/or their representative will be given the final opportunity to speak at the planning committee, again for no more than 3 minutes, to set out why the application should be granted.

Planning Committee Agendas are published on our website, five days prior to Committee Meetings, followed by the publication of the minutes of the meeting.

As part of the council's commitment to an open and transparent planning process, the Council's Constitution includes codes of conduct for members and officers, the Council's gifts and hospitality rules and a specific planning protocol setting out probity rules in relation to planning.

## 3.5 Notification after Planning Committee

In line with the Planning Charter all members of the public and other consultees who submitted written representations are informed, in writing, of the decision on a planning application. The decision is also shown on the Council's website.

The Council also compiles a weekly and monthly list of the planning decisions and these are available to view at the Council office during normal office hours or on the Council's website.

## Planning Appeals

### 3.6 Written Representations, Informal Hearings and Public Inquiries

Letters are sent direct to those people who were notified of the original application (as well as any other people who submitted comments on the application) giving notice of an appeal being lodged against the council's decision, and providing them with the opportunity to make representations to the Planning Inspectorate (with the exception of appeals submitted under the householder appeal service). Under the householder appeal service there is no opportunity to make representations to the Planning Inspectorate, however representations submitted in relation to the planning application are forwarded to the Planning Inspectorate by the council. A site notice will only be posted in the case of a public inquiry.

Please refer to the Planning Inspectorate website for further information of the appeal process.

Appeal decisions reported to Planning Committee are published on our website.

### 3.7 Other Information

In addition to managing the system for determining applications for development proposals, the Development Management team can provide advice for both householders and businesses who are considering development projects. Details are available on our website;

<http://www.ne-derbyshire.gov.uk/environment-planning/planning/development-control/> or telephone Development Management for advice on 01246 217178 or email: [developmentcontrol@ne-derbyshire.gov.uk](mailto:developmentcontrol@ne-derbyshire.gov.uk)

The team also investigates alleged breaches of planning control. For further information please see our website;

<http://www.ne-derbyshire.gov.uk/environment-planning/planning/development-control/enforcement> or telephone Planning Enforcement for advice on 01246 217181 or email: [enforcement@ne-derbyshire.gov.uk](mailto:enforcement@ne-derbyshire.gov.uk)

## 3.8 Appendix B

### What is a material consideration?

When a decision is made on a planning application, only certain issues are taken into account; these are often referred to as 'material planning considerations'.

Material considerations can include (but are not limited to):

- Local, strategic, national planning policies and policies in the Development Plan
- Emerging new plans which have already been through at least one stage of public consultation
- Pre-application planning consultation carried out by, or on behalf of, the applicant
- Government and Planning Inspectorate requirements – circulars, orders, statutory instruments, guidance, and advice
- Previous appeal decisions and planning Inquiry reports
- Principles of Case Law held through the Courts
- Loss of sunlight (based on Building Research Establishment guidance)
- Overshadowing/loss of outlook to the detriment of residential amenity (though not loss of view as such)
- Overlooking and loss of privacy
- Highway issues: traffic generation, vehicular access, highway safety
- Noise or disturbance resulting from a use, including proposed hours of operation
- Smells and fumes
- Capacity of physical infrastructure, e.g. in the public drainage or water systems
- Deficiencies in social facilities , e.g. school capacity
- Storage and handling of hazardous materials and development of contaminated land
- Loss or effect on trees
- Adverse impact on nature conservation interests & biodiversity opportunities
- Effect on listed buildings and conservation areas
- Incompatible or unacceptable uses

- Layout and density of building design, visual appearance and finishing materials
- Inadequate or inappropriate landscaping or means of enclosure

The weight attached to material considerations in reaching a decision is a matter of judgement for the decision-taker. However the decision-taker is required to demonstrate that in reaching that decision that they have considered all relevant matters.

Generally greater weight is attached to issues raised which are supported by evidence rather than solely by assertion. If an identified problem can be dealt with by means of a suitable condition the Local Planning Authority is required to consider this as an alternative to refusing an application.

#### **Non-Material Planning Considerations:**

The following Issues are **NOT** relevant to the decision (There are further non-material planning consideration not included in this list);

- Matters controlled under building regulations
- Private issues between neighbours
- Opposition to the principle of development when this has been determined by an outline planning permission or appeal
- Applicant's personal circumstances (unless exceptionally and clearly relevant e.g. provision of a facility for someone with at physical disability)
- Previously made objections/representations regarding another site or application
- Factual misrepresentation of the proposal by a third party
- Opposition to business competition
- Loss of property value
- Loss of View

Please refer to the Planning Aid leaflet ([www.rtpi.org.uk/media/686895/Material-Planning-Considerations.pdf](http://www.rtpi.org.uk/media/686895/Material-Planning-Considerations.pdf)) for further information.