

North East Derbyshire District Council

Cabinet

18 February 2015

**Replacement Statement of Community Involvement
Getting Involved in Planning Applications (Leaflet 3)**

**Report No NF/05/15/AK of Councillor N Foster, Portfolio Holder with Responsibility
for Environment**

This report is public

Purpose of the Report

To request authority to consult on proposed changes to the Statement of Community Involvement and the way in which the Council involves the public in planning applications.

1 Report Details

- 1.1 The Statement of Community Involvement (SCI) was adopted in April 2014. Over the last year or so procedures within the Development Management service have been reviewed, investment has been made in new software and further development and configuration of the automated application processing system has been undertaken. The service is now in a position to roll out more effective arrangements for publicity of planning applications which will provide an enhanced service and efficiency savings for North East Derbyshire residents.
- 1.2 Because the SCI is a statutory document changes are subject to formal consultation and adoption by the Council. This report is brought with a view to commencing that process. The changes affect only Leaflet 3 of the SCI (Getting Involved in Planning Applications). The rest of the document will remain unchanged.
- 1.3 The main principles behind the changes which are proposed are as follows:
 - a) To provide customers with enhanced facilities for transacting on-line through the Public Access facility. This includes facilities for commenting on applications and receiving automatic updates of any changes in status, new documents and decisions.
 - b) To provide all documents to view through Public Access.
 - c) To signpost customers and provide links to other sources of information, and generally maximise the opportunities for customers to self serve.

- d) To front load the process so that the initial level of notification (including notification letters and site notices) exceeds the legal minimum with more efficient automated processes thereafter.
 - e) To limit the expense of press advertising to a minimum. Whilst such advertising is a legal requirement in some cases (and to be continued in those cases) this type of publicity is expensive and does not represent good value for money for customers.
- 1.4 The service is presently recruiting a Business Transformation Officer who will support the roll out of the new processes and provide guidance to customers on their use. Development Management will continue to provide a face to face service for customers who cannot access the service electronically (because of disability or age, for example)
- 1.5 The Proposed Replacement Statement of Community Involvement Leaflet 3 Getting Involved in Planning Applications (Consultation Draft) appears at Appendix 1 to this report. The current Statement of Community Involvement Leaflet 3 Getting Involved in Planning Applications appears at Appendix 2.

2 Conclusions and Reasons for Recommendation

- 2.1 The recommendations in this report will improve the level of information on planning applications available to customers and will enable customers to self serve and make full use of the Public Access facility.
- 2.2 The new procedures will reduce printing and postage costs and the need for paperwork and further letters following the initial notification letters. They will provide efficiencies and help to realise the benefits of the software investment which the Council has made, thereby providing better value for money for customers.

3 Consultation and Equality Impact

- 3.1 In line with the consultation arrangements utilised for the comprehensive SCI update in 2013/14 it is proposed to undertake targeted consultation using the Council's website and focusing upon key stakeholders, statutory consultees and other contacts on the Local Plan consultation database. This will be expanded to include planning agents registered on the Development Management uniform system where these are not already included in the consultation database.

4 Alternative Options and Reasons for Rejection

- 4.1 By continuing with the current paper based, resource intensive, processes the Council will not be delivering the service in the most efficient way and will fail to realise the benefits from the new software and system development which it has invested in.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 The proposals for consultation in the report exceed the statutory minimum requirements for publicity on planning applications and do not give rise to undue risk for the Council. The table in the replacement document at Appendix 1 adds greater clarity to the level of publicity that will be undertaken on each type of application. The automated planning application processing system will be configured accordingly thus helping to minimise risks of error in undertaking these procedures. Additionally, by reducing printing and postage costs and enabling customers to self serve these proposals will result in costs savings for the Council.

5.2 Legal Implications including Data Protection

- 5.2.1 The proposals accord with legal requirements for the publicity of planning applications and data protection. There is no change proposed to the Council's current practice of redacting personal information from documents which are displayed on the web site.

5.3 Human Resources Implications

- 5.3.1 By reducing paperwork, the proposals will allow for the more efficient use of staff time.

6 Recommendations

- 6.1 It is recommended that the proposed changes to the way in which the Council involves the community in planning applications, as set out in the draft revision to Statement of Community Involvement Leaflet 3 "Getting Involved in Planning Applications", are approved for consultation.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
1	Proposed Replacement Statement of Community Involvement Leaflet 3 Getting Involved in Planning Applications (Consultation Draft)
2	Statement of Community Involvement adopted April 2014, Leaflet 3 Getting Involved in Planning Applications
Background Papers	
Statement of Community Involvement adopted April 2014	
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AGIN 5 (CAB 0218) Community Involvement/AJD

Appendix 1

Proposed Replacement Statement of Community Involvement Leaflet 3 - Getting Involved in Planning Applications Consultation Draft

Statement of Community Involvement

Getting Involved in Planning Applications– SCI Leaflet 3 of 3

3.1 Planning applications

The Development Management team assesses and processes all planning applications for development including by 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 SCI 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 C for further guidance on what is a '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 also publicises on a wider basis than the 'statutory minimum' wherever possible to ensure that opportunities are maximised for community involvement.

The ways in which the council publicises the various types of planning applications are set out in the table at Appendix B

The council provides a Public Access facility on its web site through which planning applications, including supporting documents and corresponding plans and elevation drawings, can be viewed online. This facility can be accessed via the following link:

<http://www.ne-derbyshire.gov.uk/environment-planning/planning/development-control/online-planning-services>

It is also possible to track the progress of applications through this facility and to receive automatic notifications when any additional documents are added or there is a status change and when the decision is made.

For customers who have no access to IT facilities the council will continue to provide facilities for viewing plans on screen at the council office during normal office hours. For customers who are unable to access either of these methods for viewing planning applications (because of disability or age for example) other arrangements can be made by contacting the Development Management service.

Comments on planning applications should be made within the relevant timescale set out in the table at Appendix B (usually 21 days from the date of our notification letter or within 21 days from the date of a press notice or site notice appearing). Comments can be made on-line through the Public Access facility. Please note that

comments submitted after the 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 can be viewed through the public access facility on the council's web site. Interested parties who have registered a user account will receive an automated notification of amended plans. In cases where the amended plan proposes material changes a further period will be given for any additional comments.

The council encourages that comments on planning applications are made through the Public Access on-line facility at:

- <http://www.ne-derbyshire.gov.uk/environment-planning/planning/development-control/online-planning-services>.

Alternatively comments can be made:

By email at: developmentcontrol@ne-derbyshire.gov.uk (Please quote the application number): or

By post to: Development Management, North East Derbyshire District Council,.....
[tbc].

Any comments received will be available to view on-line although personal information (phone numbers, e mail addresses etc) will be redacted.

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 major¹ planning applications will need to be accompanied by a Statement of Community Involvement prepared by the developer or applicant which sets out how the community have been involved in the evolution of the scheme.

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 Development Management service 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:

¹ The following categories of development are defined as major:

Erection of 10 or more dwellings or, if this is not known, where the site area is 0.5 hectare or more;

In other cases, where the floorspace to be created is 1,000 square metres or more, or the site area is 1 hectare or more.

- the residential occupiers, 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.

3.4 Decision – Making and Planning Committee

Most planning applications are determined under delegated powers. These are set out in the Council's Constitution² :

<http://www.ne-derbyshire.gov.uk/council-democracy/e-constitution>

The council's Planning Committee makes decisions on the other applications, again in accordance with the requirements set out the Constitution. In either case all comments made by interested parties are taken into account in making the decision.

Additionally, for those applications determined by the Planning Committee, there is an opportunity to speak³ to amplify or explain points already made in writing. Guidance on how parties can speak at Planning Committee is outlined in Public Participation at Planning Committee which can be viewed on the Council's website:

<http://www.ne-derbyshire.gov.uk/environment-planning/planning/development-control/speaking-at-planning-committees>.

Planning Committee Agendas are published on the Council's website, five days prior to Committee Meetings, followed by the publication of the minutes of the meeting:

<http://www.ne-derbyshire.gov.uk/council-democracy/meetings-and-committees/planning-committee>

As part of the council's commitment to an open and transparent planning process, the councils 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:

<http://www.ne-derbyshire.gov.uk/council-democracy/e-constitution>

3.5 Notification after Planning Committee

The decisions on all planning applications, including a full copy of the decision notice, can be viewed on-line through the Public Access facility.

The Council also compiles a weekly and monthly list of all planning decisions made which can also be viewed on the council's web site:

² The Constitution of North East Derbyshire District Council

³ The opportunity to speak is available to the applicant, agent, supporters, objectors and consultees (including representatives of parish and town councils and the County Council) as well as District Councillors not on the Planning Committee.

<http://www.ne-derbyshire.gov.uk/environment-planning/planning/development-control/weekly-and-monthly-lists/>

3.6 Planning Appeals

The way in which the Council publicises appeals is set out in Appendix B. Additionally, all documents relating to the appeal are available to view on line through the Public Access facility. Decisions on appeals are made by the Planning Inspectorate.

The council will notify all parties who submitted comments on the original 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.

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

<http://www.planningportal.gov.uk/planning/appeals/>

3.7 Other Information

In addition to managing the system for planning applications, the Development Management team can provide advice to both householders and businesses who are considering development projects.

The team also investigates alleged breaches of planning control.

3.8 Contact Details for Development Management

Web site:	www.ne-derbyshire.gov.uk/
E mail:	developmentcontrol@ne-derbyshire.gov.uk
Telephone:	[tbc]
Address:	Development Management, North East Derbyshire District Council,[tbc]

3.9 Appendix B

HOW THE COUNCIL PUBLICISES PLANNING APPLICATIONS

APPLICATION TYPE	Weekly list of applications received	Through public access facility on Council website	Site notice	Press notice	Neighbour notification letter 1		Days for receipt of comments	Interested parties letter on appeal 2
Display advertisement/s	✓	✓	✓		✓	✓	21	✓
Certificate of existing or proposed lawful development	✓	✓	✓		✓	✓	21	✓
Agricultural prior notification	✓	✓	✓		✓	✓	14	✓
Demolition prior notification	✓	✓	✓3		✓	✓	14	✓
Telecommunications prior notification	✓	✓	✓		✓	✓	21	✓
Householder prior notification	✓	✓			✓	✓	21	✓
Change of use prior notification	✓	✓	✓		✓	✓	21	✓
Full planning (householder)	✓	✓	✓4	✓5	✓	✓	21	
Full planning (other/non major)	✓	✓	✓	✓5	✓	✓	21	✓
Full planning (major/non EIA and EIA development)	✓	✓	✓	✓	✓	✓	21	✓
Outline planning (other/non major)	✓	✓	✓	✓5	✓	✓	21	✓
Outline planning (major/non EIA and EIA development)	✓	✓	✓	✓	✓	✓	21	✓
Reserved matters (other/non major)	✓	✓	✓	✓5	✓	✓	21	✓
Reserved matters (major/non EIA and EIA development)	✓	✓	✓	✓	✓	✓	21	✓
Listed building consent	✓	✓	✓	✓	✓	✓	21	✓
Hazardous substances consent	✓	✓6	✓	✓3	✓	✓7	21	✓
Works to trees covered by a TPO	✓	✓	✓		✓	✓	21	✓

Works to trees in a conservation area	✓	✓	✓			✓	14	✓
Hedgerow removal	✓	✓	✓			✓	14	✓
Non material amendments	✓	✓				✓		
Details required by planning conditions	✓	✓				✓		

1 To all neighbours immediately adjoining the application site and any other neighbours which, in the opinion of the Council, might be affected.

2 To all parties who made comments on the application.

3 Site notice and/or press notice by applicant.

4 The Council will usually post out the site notice to the applicant for the applicant to display.

5 Only if development is not in accordance with development plan and/or affects a public right of way and/or affects the setting of a listed building and/or affects the character and appearance of a conservation area.

6 Limited information on web site.

7. By appointment.

3.10 Appendix C

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 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 a 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

Further information about the planning system and how to get involved in local decision making can be found on the Planning Portal www.planningportal.gov.uk

**Statement of Community Involvement adopted April
2014, Leaflet 3 Getting Involved in Planning
Applications**

Current Adopted Document