

How do Parish Councillors comment on a Planning Applications?

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Context

The Planning Service received **3123** applications or notifications in the year 2014/15.

These included:

- 1898 applications for **Full Planning Permission**.
- 13 applications for **Outline Planning Permission**.
- 120 applications for **Listed Building Consent**.

Context

- 118 notifications of **Permitted Development** (a change of use or building works) .
- 377 notifications of works to trees in a **Conservation Area**, or protected by a **Tree Preservation Order**.
- 209 applications seeking a **Non-Material Minor Amendment**.
- 68 applications for **Advertisement Consent**.

There are over **50** different types of application and notification which we can be asked to determine. All with different timescales and legal criteria.

Consultation and Notification

Who do we tell when we receive an application?

- We check its meets the relevant legal requirements, known as “validation”.
- Then we publish the information on our website and tell the relevant people we have received it.
- (This is usually within a week of an application being declared valid).

Consultation and Notification

Consultation (with specialists)

Advice from different consultees is sought depending on the particular specialist advice required.

“Statutory” consultees.

- Legislation defines who are “statutory” consultees.
- They don’t have to respond but the Local Planning Authority has a legal duty to consult them. These include:
 - Highway Authority,
 - Environment Agency, etc.

Consultation and Notification

Consultation (with specialists)

“Non-Statutory” consultees.

- Any specialists the Authority choose to consult to assist them in reaching a determination. Such as:
 - Conservation Officer,
 - Urban Designer,
 - Environmental Services, etc.
- Non statutory consultees are often used to review any specialist reports submitted with an application;
 - a retail impact statement,
 - a viability assessment, or,
 - an agricultural holding appraisal, etc.

Consultation and Notification

Notification (non-specialists)

The process of bringing development proposals to the notice of a wider non-specialist public.

“Statutory” notification.

- Legislation defines this process. It includes:
 - Parish and Town Councils,
 - Adjoining neighbours,
 - Some adverts in the Bucks Free Press.

The purpose of the notification is to allow relevant issues to be identified, so that they can be fully considered by the case officer.

It is not any form of public “vote” with the number of letter of representation for or against influencing the outcome of the application.

Consultation and Notification

Notification (non-specialists)

“Non-Statutory” notification.

- District Councillors.

Amended Plans or Additional Details

At the case officers discretion we will consult further when amended plans are received.

In that case we will sent an email with a consultation letter attached setting out how long you have if you wish to comment (usually 14 days, but sometimes only 7 days).

How do I find out more information?

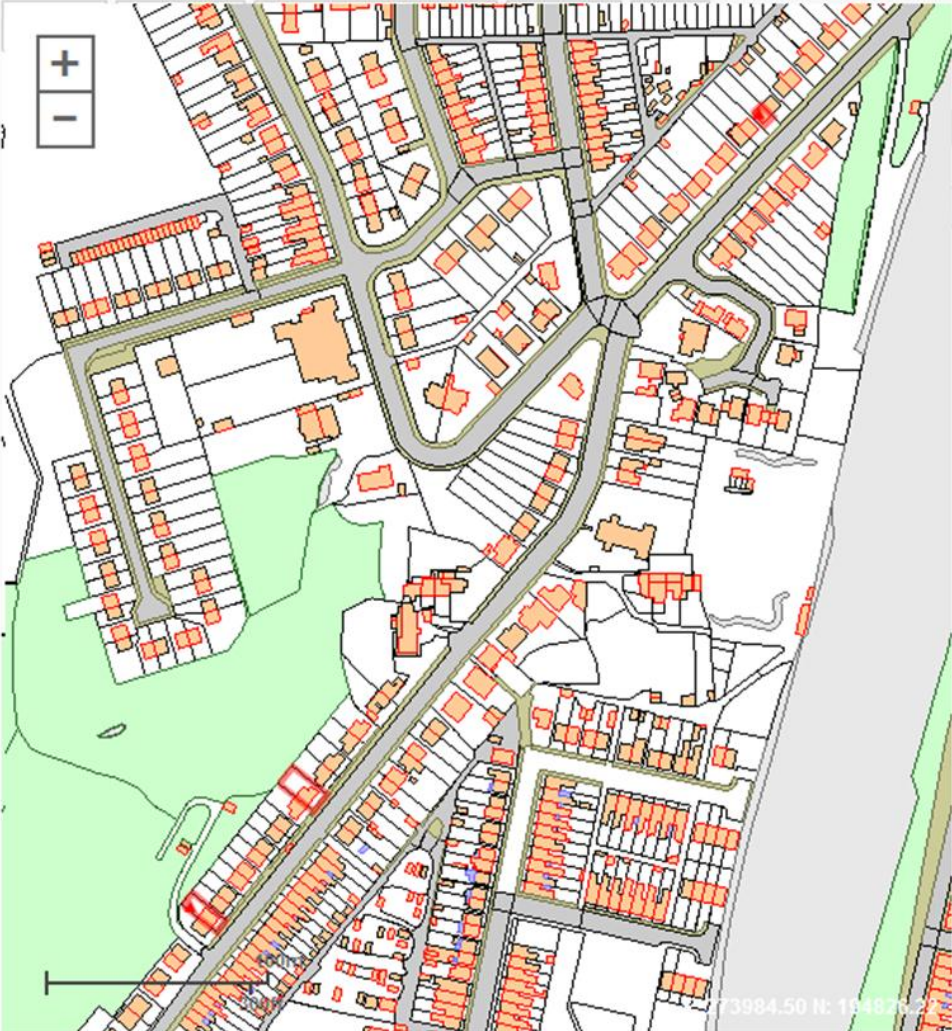
- For planning applications we publish the plans and details on the Public Access section of the WDC website:
<http://publicaccess.wycombe.gov.uk>
- The case officer details are provided. They are your first point of contact. Either call or email them.

How do I comment?

- Comments should be made directly into “Public Access”.
- Your comments address only planning issues.
- Any comments, emails, etc received are public documents and will usually be published on the website.
(If not published they can still be requested under the Freedom of Information Act).

Public Access V2

New mapping component



Legend and Filter
Showing search results. [Enable filter](#) and remove results.

Within the last 6 months

- Planning
 - Application
 - Appeal
 - Enforcement
- Building Control
 - Building Control
 - Contravention
- Building Standards
 - Building Warrant
 - Building Notice
- Licensing
 - Licensing Application
 - Licensing
- Property

[Save a rectangular search](#) defined by the current map extent.

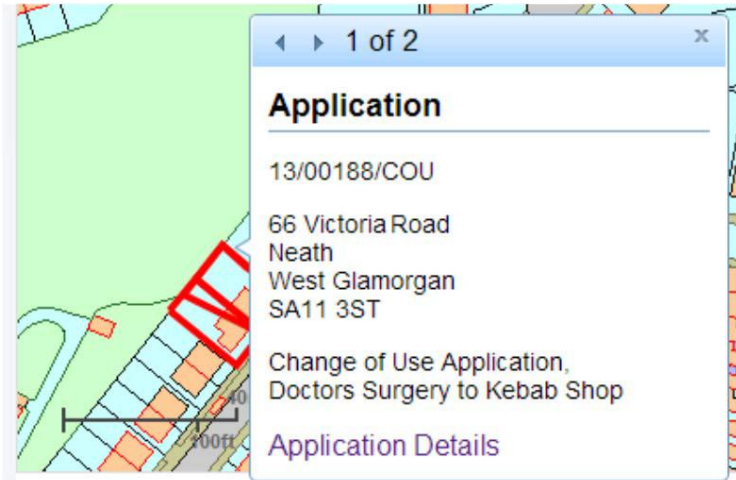
[Save a circular search](#) of the specified radius, centred on the current location.

50m show on map

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Public Access V2

More smart phone responsive.



Pop Up application details

Public Access V2

Saving searches

- **Save a rectangular search.** This enables the user to save a search defined by the currently displayed map;
- **Save a circular search.** This enables the user to define a circular search area defined by the centre point and a radius of 50m, 100m, 500m or 1000m selected from a drop-down.

In each case the search may then be rerun manually later or used for automatic notification.


Tracking: As with existing version you can “track” an application. This means you are notified of any changes.

Which applications are considered at Planning Committee?

Documents to download


[Which applications go to Planning Committee](#)

Guidance note on which applications go to planning committee for consideration

 PDF | 217KB

[Planning Committee Guidance Note](#)

Planning Committee Guidance Note

 PDF | 188KB

[General Planning Guide for Members](#)

General Planning Guide for Members

 PDF | 2.0MB



Which applications are considered by Planning Committee?

Date Issued: May 2015

Introduction

The power to determine "Planning Applications" rests with either a Committee (Planning Committee, but occasionally Regulatory & Appeals Committee), or more usually is delegated to Senior Planning Officers (sometimes in consultation with the Chairman of Planning Committee). Around 98% of applications are determined under delegated authority.

From 1st April 2009 there were small changes to the process used by Members to call applications to committee. These changes to the scheme of delegation were approved by Full Council on 26th February 2009; and these were subsequently refined by Full Council on 16th December 2013.

Their objective was to reduce the number of applications referred to Planning Committee. This allows the "Committee" to use its limited resources more effectively to focus on issues of more strategic significance.

Applications considered by Committee

Under the Council Constitution Planning Committee determines:

- (a) District-wide developments (Tier 1 in the Statement of Community Involvement) which represent departures from the Development Plan.
- (b) Any "major" planning application "called up" to Planning Committee at a Member's request, or where the Head of Planning & Sustainability chooses not to exercise his/her delegated authority.
- (c) Any "minor" or "other" applications where the Head of Planning & Sustainability chooses not to exercise his/her delegated authority, either at their own volition or following a request by a local member and in consultation with the Chairman of Planning Committee. A detailed summary is attached as Appendix A.

In line with good practice however if the Planning Committee is going to make a decision which falls within the categories set out in the table below it loses its decision making power, and authority to determine the application transfers to the Regulatory & Appeals Committee (R&A).

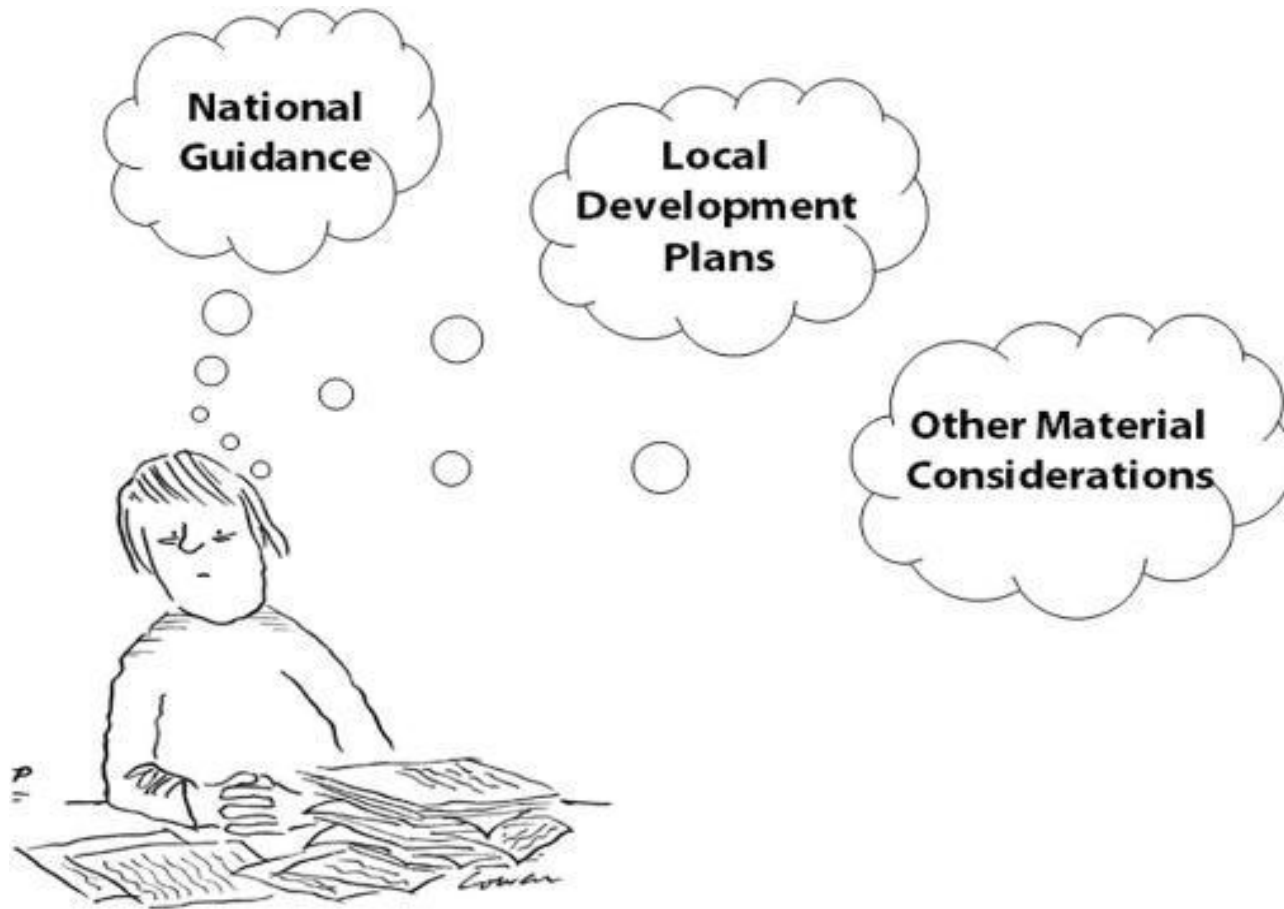
Such a safeguarding measure is used by many Authorities to ensure sound decision making, and for Wycombe the criteria for referral to R&A Committee is:

1. Determination of any application (after initial consideration by Committee) which in the opinion of the Head of Planning & Sustainability, after consultation with the Chairman of the Planning Committee, would if determined in the manner in which the Committee would wish to see it determined:
 - 1.1. Expose the Council to a substantial risk of incurring or being ordered to pay substantial costs, or,
 - 1.2. Be both substantially inconsistent with adopted or emerging planning or other policies or programmes and would compromise the future application or implementation of those policies or programmes.
2. Determination of applications relating to land under the control of the Planning Committee or the Planning & Sustainability Service.

Which applications are considered at Planning Committee?

- **District-wide developments** (Tier 1 in the Statement of Community Involvement) **which represent departures from the Development Plan.**
- **Any “major” planning application “called up” by Members.**
- **Any Delegated Applications “referred up” by the Head of Planning & Sustainability;** (e.g. at a members request there will be consultation with the Chairman of Planning Committee and if appropriate the application will go to Committee).

What has to be taken into account?



What has to be taken into account?

S70 Town and Country Planning Act:

In dealing with applications, the authority shall have regard to:

- (a) The provisions of the development plan insofar as they are material.**
- (b) Any local finance considerations, so far as they are material to the application.**
- (c) Any other material consideration.**

What has to be taken into account?

National Planning Policy Framework

At the heart of the National Planning Policy Framework is

a presumption in favour of sustainable development

which should be seen as a golden thread running through both plan-making and decision taking.



What has to be taken into account?

- Local planning authorities should:
 - **approve development proposals** that accord with statutory plans without delay; and
 - **grant permission** where the plan is absent, silent, indeterminate or where relevant policies are out of date.....*unless....adverse impacts of allowing development would **significantly and demonstrably** outweigh the benefits, when assessed against the policies in the Framework taken as a whole.*

What has to be taken into account?

What does an NPPF “**Presumption in favour**” mean?

- *Relationship between plan-making and decision-taking “**should be seamless**”*
- Positive planning, “***look for solutions rather than problems***”
- Growth agenda – “***significant weight.... to support economic growth***” through planning
- Transport – refuse only where “**severe impact**”
- It doesn't say anything specifically about LOCALISM with regard to determining planning applications.

What has to be taken into account?

Planning Practice Guidance

National Planning Policy Framework | Planning Practice Guidance | About

Welcome to the home of the National Planning Policy Framework for England and planning practice guidance.

For the first time, planning practice guidance is easily accessible and available online.

Find out more about this new web-based resource.

Find out how to contact us or send us your feedback.

Search for

The National Planning Policy Framework

The National Planning Policy Framework was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied.

- Ministerial foreword
- Introduction
- Achieving sustainable development
 - 1. Building a strong, competitive economy
 - 2. Ensuring the vitality of town centres
 - 3. Supporting a prosperous rural economy
 - 4. Promoting sustainable transport
 - 5. Supporting high quality communications infrastructure
 - 6. Delivering a wide choice of high quality homes
 - 7. Requiring good design
 - 8. Promoting healthy communities
 - 9. Protecting Green Belt land
 - 10. Meeting the challenge of climate change, flooding and coastal change
 - 11. Conserving and enhancing the natural environment
 - 12. Conserving and enhancing the historic environment
 - 13. Facilitating the sustainable use of minerals
- Plan-making
- Decision-taking
- Annex 1: Implementation
- Annex 2: Glossary

Planning Practice Guidance

We have revised and updated planning practice guidance to make it accessible.

- Advertisements
- Air quality
- Appeals
- Before submitting an application
- Climate change
- Conserving and enhancing the historic environment
- Consultation and pre-decision matters
- Crown Development
- Design
- Determining a planning application
- Duty to cooperate
- Ensuring effective enforcement
- Ensuring the vitality of town centres
- Environmental Impact Assessment
- Flexible options for planning permissions
- Flood Risk and Coastal Change
- Hazardous Substances
- Health and wellbeing
- Housing and economic development needs assessments
- Housing and economic land availability assessment
- Land affected by contamination
- Land Stability
- Lawful development certificates

National Planning Policy Guidance (NPPG)

What has to be taken into account?

The Development Plan

- **Delivery and Site Allocations Plan (2013).**
- **Core Strategy (2008)**
- **Local Plan (2004)** some saved policies/ some deleted.

Bucks County Council

- **Minerals and Waste Local Plan (2006) + Core Strategy (Nov 2012)**



Other Material Considerations

- what they are and are not - decided by statements of national policy or by decisions of the courts.
- the weight that should be attached to each consideration in any particular case is for the decision maker.



What has to be taken into account?

Other Material Considerations

Matters (**of public interest**) which can be taken into account: (although the list is not exhaustive).

- Loss of privacy
- Loss of light
- Car parking
- Traffic generation
- Noise and disturbance
- Character of the area
- Green Belt
- Conservation Area
- Design, appearance and layout
- National and local policies

What has to be taken into account?

Other Material Considerations

Private Interests or matters covered by other legislation cannot be taken into account:

- Loss of value to property
- Loss of view
- Personal disagreements
- Boundary disputes
- Covenants
- Commercial competition
- Construction Disturbance
- Sunday trading
- Matters controlled under other legislation such as Building Regulations & Environmental Health

Making a Decision

Weighing It All Up

- Development Plan
- Presumption in favour
- Other material considerations





Thank you

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