

# **ENVIRONMENT AND ATTRACTIVE CITY SCRUTINY COMMITTEE**

## **PLANNING APPLICATION CONSULTATION PROCESS**

### **REPORT OF THE DEPUTY CHIEF EXECUTIVE**

**12 JULY 2010**

#### **1. Purpose of Report**

- 1.1 To provide the Scrutiny Committee with details of the planning application consultation process of the City Council.

#### **2. Background**

- 2.1 At the beginning of the municipal year when the Committee was considering its work programme it was agreed that a report be submitted on the City Council's consultation process in respect of planning applications.

#### **3. Current Position**

- 3.1 Under the Planning and Compulsory Purchase Act (2004), the City Council adopted its Statement of Community Involvement (SCI) on 22 November 2006.
- 3.2 The SCI sets out how the Council proposes to engage communities and stakeholders in not only the preparation of local development documents but also the consideration of planning applications. The SCI was prepared in the light of consultation with community groups, other organisations and stakeholders. The SCI was tested for soundness at an examination by an Independent Inspector and incorporates binding recommendations.
- 3.3 An extract from the SCI covering the principles of consultation and publicity in respect of planning applications is attached to this report. Appendix 5 of the SCI sets out in detail the mechanics of the process in the context of the council's Development Control Good Practice on Publicity for Applications.

#### **4. Recommendation**

- 4.1 The Committee is invited to discuss the Council's current arrangements in respect of consultation and publicity for planning applications and the Head of Planning and Environment will be in attendance to take questions and note comments.

**5. Background Papers**

Statement of Community Involvement (SCI) November 2006

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## **Annex**

### **Extract from the adopted Statement of Community Involvement (November 2006)**

- 4.1 This section of the SCI sets out how the Council will engage the community and stakeholders in the Development Control Process. The purpose of this is to demonstrate how the council intends to implement statutory and discretionary requirements for consultation and publicity for planning applications.
- 4.2 All planning applications received by the council are currently publicised in accordance with statutory requirements (Town and Country Planning (General Development Procedure) Order 1995). This is contained in the council's Development Control Good Practice on Publicity for Applications (*See Appendix 5 of the SCI*).
- 4.3 Involvement in planning applications engages individuals, communities and stakeholders in the process. The council in meeting its statutory obligations to publicise and consult has to balance its discretionary measures with cost, speed of decision and fairness. The discretionary level of consultation varies as will be explained later.

#### **Community Involvement in planning applications Pre-application**

- 4.4 The council will encourage early dialogue to examine potential development proposals. This approach becomes more important the more significant or major the proposal. The Government advises that for such proposals wider community consultation may be required in addition to the statutory requirements. Early discussion by applicants with the council will identify whether there is a need to consult the community and other consultees at the pre-application stage. Detailed guidance is being prepared on this aspect.
- 4.5 The purposes of this approach are:
- Wider understanding of proposals
  - Community ownership in the process and transparency of procedure
  - Feedback to shape initial proposals towards a well designed proposal
  - Early identification of issues
  - Avoid unnecessary objections later on in the application process, which can extend the determination period and be expensive to resolve

- 4.6 Suggested methods of community involvement may include:
- Public Exhibitions
  - Public Meetings
  - Workshops
- 4.7 The council will welcome early discussion with prospective applicants, particularly on major or controversial proposals to agree whether or not it would be appropriate to undertake such a consultation exercise. The results of consultation exercises will be reported and considered as part of the application process.
- 4.8 The council cannot insist that such community consultation is undertaken. However, it is considered that such engagement early in the application process can be beneficial to all parties in creating a partnership approach towards development.
- 4.9 Small applications, such as domestic extensions and other minor proposals will not undergo this pre-application community consultation exercise.

#### **Community Involvement when a planning application is received**

- 4.10 Consultations will be carried out and information disseminated on planning applications in the following ways:

##### **All applications**

- **Weekly list & register** - The council produces a weekly list of all planning applications received. The planning application register, which includes all applications on hand and those which have been decided is also available for public inspection at the civic centre during office hours. The register includes the planning application files. These and decisions are also available on the council web site. *(the Public Access service on the development control website now provides 24/7 to the full public record on planning applications).*
- **Neighbour notification** – Occupiers of neighbouring properties most likely to be affected by an application will be notified by letter, and invited to make comments on the application usually within 21 days. Notify consultees by letter giving them 21 days, or 28 days in the case of a planning application potentially affecting a SSSI or in a SSSI consultation area, in which to comment.
- **Advertisements** - The council has a statutory obligation to publish details in the local Press (Sunderland Echo) of specified applications, and how to make representations

- **Site Notices** – These are displayed on or near the application site to inform the wider community and give details on how and when to make representations
- **Consultees** – Statutory and non statutory consultees will be consulted in accordance with the General Development Procedure Order (GDPO)

### **Major applications**

The council will publicise and discuss major applications (defined in Appendix 5) through exhibitions, public meetings and workshops as appropriate

### **Community involvement during the application process**

- 4.11 The council undertakes a considerable amount of negotiation on applications, particularly the complex and major applications. The council encourages negotiation between applicants and officers which may result in amendments to proposals made to bring them into line with planning policies or in response to representations received. Where an amended proposal is submitted a further round of consultations may be undertaken. Whilst there is no statutory obligation to re-consult on amended plans the Council will re-consult on changes of a significant nature, on the basis of a case-by-case consideration.

### **Community involvement in the decision making process**

- 4.12 All representations received during the relevant statutory consultation period will be considered in determining the application and reported in the officer's recommendation. There may be an occasion when responses will be submitted outside the statutory time period, for example if further information is required. Representations received outside of the prescribed time period will be considered at the discretion of the council bearing in mind circumstances leading to this situation. Site inspection to view matters raised in representations received may also involve case officers calling at objectors' properties to discuss the representation.
- 4.13 All representations made in writing will be acknowledged and the writer will be notified of the procedures for determining the application. Comments on applications can also be made online by email. It should be noted that objections should relate to planning issues such as, loss of privacy, design, and not non-planning issues such as ownership.
- 4.14 Over 90% of planning applications are determined by the Director of Development and Regeneration (now the Deputy Chief Executive) under the council's delegation scheme. This assists the council in meeting performance targets for speed of decision of planning applications.

- 4.15 Other applications are reported to one of the 3 Development Control Area Sub - Committees. The public are given the opportunity to address the Sub Committees, subject to rules on advance notification and procedure. (see Appendix 3 Planning Service leaflet- Have Your Say).

### **Community Involvement after an application has been determined**

- 4.16 When a planning decision is issued the council will inform the applicant/agent and those who made written representations of the decision. If the decision was made at committee, the minutes of the meeting are available on the council's web site [www.sunderland.gov.uk](http://www.sunderland.gov.uk) within the meeting pages of the council. All decision notices can be viewed on-line.

### **Community Involvement if an appeal is received on a planning application**

- 4.17 Statute allows applicants the right to appeal within 6 months of decision if an application is refused. There is no provision for third parties to appeal against a decision on an application.
- 4.18 When an appeal is received anyone who made representations on the application within the time allowed prior to determination is notified of the appeal and supplied with written details on how to make their views known. If the Planning Inspectorate decide the appeal will be determined by written representations then the objectors/supporters would be required to restate any of their representations to the Inspectorate. If the appeal is to be decided by an informal hearing or inquiry then they would be given the right to appear. All representations made during the planning application stage are public records and are forwarded to the Planning Inspectorate.
- 4.19 The council will also publicise by means of site notices and on its web site details of any informal hearing or public inquiry. In addition a press notice may also be published.

### **Community Involvement on Enforcement Issues**

- 4.20 A dedicated team is responsible for the enforcement of planning control which includes investigation of possible breaches and instigating any enforcement action in respect to unauthorised development. The team is also responsible for the maintenance, reviewing and enforcement of Tree Preservation Orders. All enforcement cases will be treated in confidence by the council unless the complainant requests otherwise.

4.21 More detailed information on enforcement procedures is available on the council's Planning and Building Control web page [www.sunderland.gov.uk](http://www.sunderland.gov.uk)