

DRAFT SERVICE STANDARD FOR PLANNING CONSULTATION AND COMMUNITY ENGAGEMENT

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BRINGING PLANNING CLOSER TO THE COMMUNITY

This charter document is designed to explain how the planning department will engage with the community over planning issues in order to ensure that all those persons or groups with an interest have an opportunity to have their say.

Planning is about how people can help influence decisions about the future of our towns, villages and countryside. When someone wants to extend a house or develop a shopping centre the Local Planning Authority (LPA) is responsible for deciding whether it should go ahead. We also need to protect the natural environment and historic areas for future generations to enjoy and balance this with the need to promote economic growth in the County.

We want our communities to be able to take part in discussions about any development proposals submitted to the LPA that may affect them before any decision is made. We need to make sure that new developments are designed so that everyone can use or benefit from the facilities or services. The LPA do not make development proposals but are there to make decisions on them having regard to representations they receive from the community.

The Planning Department is here to help the community to become involved in the following activities:

- find out if you need planning permission
- make a planning application
- find out about our natural environment
- find out about development in your area
- have your say about new proposals

- protect our historic areas

THE PLANNING DEPARTMENT

The Development Control and Compliance team are responsible for processing and determining all planning applications, appeals and enquiries. They also investigate and enforce possible breaches of planning control (unauthorised development). The team run fortnightly planning surgeries to provide face to face guidance for customers on planning queries as well as organising a monthly Planning Committee where elected Members make decisions on certain applications.

HOW TO HAVE YOUR SAY?

We feel it is essential to engage with the communities in which developments are proposed. This can sometimes be done prior to a formal application being submitted, when an application has been submitted and then once development is underway.

There are many different types of planning proposal. Some may only affect a handful of neighbours but others can have implications on whole towns or even neighbouring counties. It is important that we undertake proportionate consultation and communication with affected communities on these types of application. For this reason we have developed a consultation/communication protocol (see below)

CONSULTATION PROTOCOL

On receipt of certain types of planning application the Local Planning Authority is obliged to let people know about the development and allow them to make representations on relevant planning issues.

HOW WILL WE CONSULT?

For the purposes of this document planning proposals can be categorised as **major** (large scale or controversial proposals*), **minor** (smaller scale proposals) and **householder** (development undertaken at residential dwelling sites). The Local Planning Authority will endeavour to consult as follows on these different proposal levels on receipt of valid planning applications:-

MAJOR

- We will place a notice in the local press giving information on the proposal and how people can comment on the application.
- We will place a notice/notices on or near the site giving information on the proposal and how people can comment on the application.
- We will send individual letters of consultation to property owners/occupiers in proximity to the development site who are deemed to be affected by the proposal.
- We will consult with relevant interested parties including Town and Community Council's.
- We will organise a public/community meeting should such an event be requested and deemed appropriate**.
- Officers will attend a Town or Community Council meeting should such an event be requested and deemed appropriate.

MINOR

- We will send individual letters of consultation to property owners/occupiers in proximity of the development site giving 21 days for a response.
- We will consult with relevant interested parties including Town and Community Council's giving 21 days for a response.
- Where appropriate we will place a notice/notices on or near the site giving information on the proposal and how people can comment of the application.

HOUSEHOLDER

- We will send individual letters of consultation to property owners/occupiers who's properties adjoin the development site or who are deemed to be affected by the proposal, giving 21 days for a response.
- We will consult with relevant interested parties including Town and Community Council's.

TIME PERIODS

- As a guide we will seek representations on planning applications within 21 days of the date of the consultation and not the 14 days as set out by statute (site notice, press notice or letter)
- Representations may be accepted after the 21 day period and will be accepted up to 5pm the evening before a Planning Committee.

LOCAL MEMBERS

- We will always liaise with Local Members on major or complex planning applications providing briefing notes and arranging meetings where appropriate.
- Local Members will receive a weekly list of planning applications and can contact the relevant case Officer on any of these applications.

DEFINITIONS

***MAJOR** proposals are defined as:-

- Development of 10 or more residential units or a residential scheme on land of 0.5ha of land where numbers of units are not defined
- Development of 1000sq.m or more of non-residential floorspace or where the development site itself is above 1ha in size.
- Development requiring the submission of an Environmental Impact Assessment.
- Proposals which may be contrary to the Local Development Plan (departures).
- Development affecting the character or appearance of a Conservation Area or setting of a Listed Building.

MINOR proposals are defined as any other non-major or non-householder schemes.

HOUSEHOLDER proposals are defined as any applications related to a residential dwelling.

****PUBLIC MEETINGS**

These can be arranged by the LPA on major proposals where Officers deem it appropriate based on the nature/complexity of the proposal or community reaction to it. Proposals which generate over 30 individual letters of objection (signed and addressed by individuals from different households/businesses) or where the level of information submitted with the application requires Officers to explain the development in more detail. Officers can also attend meetings of relevant Residents Associations and Business Groups on request. *Such meetings will always be at the discretion of the Head of Planning and Public Protection*.

TOWN AND COMMUNITY COUNCIL MEETINGS

Officers will endeavour to attend planning meetings at Town or Community Council's having regard to the same criteria as set out in the Public Meetings section above. A programme of Officer visits will be set up annually alongside the 4no. planning training events for Town and Community Council's.

HOW CAN YOU COMMENT ON PLANNING APPLICATIONS?

If you wish to make representations on any planning application you can do so via the Planning Portal or in writing. The address to send representations to is at the end of this document. The Planning Portal is an on line database for planning applications at www.denbighshire.gov.uk.

You will normally have at least 21 days to submit your comments from the date of the consultation letter. It is important you quote the application reference number on correspondence along with your name and full postal address. On receipt of a valid letter of representation we will send you a formal acknowledgement letter. Unless you state otherwise your representations will be public documents. This means that anyone (including the applicant) can view your comments on the planning file.

On any planning proposal you could contact your local County Councillor or Town Council to discuss the case.

WHAT IF THE APPLICATION CHANGES?

If major changes are made to an application we will send out further letters of consultation to those person's originally consulted and to anyone who had written in previously. You will then have a further 14 days to send in comments.

WHAT COMMENTS WILL BE CONSIDERED?

The most important consideration with any planning application is what our adopted Development Plan for the area says about the application site and the development proposed. The Development Plan can be viewed at our website www.denbighshire.gov.uk or at our offices in Denbigh.

After the policies in the Plan the LPA will look at other “material considerations”. Examples of these considerations are given below and they should be used when making representations:-

- The scale, appearance and design of the proposal;
- The effect of the proposal on the amenities of local residents, including loss of light, overlooking, loss of privacy, noise and disturbance;
- The impact of the proposal on the character of the area and whether the use is appropriate;
- The impact of the proposal on highway safety and parking;
- The impact of the proposal on nature conservation and trees;
- The effect of the proposal on the character and appearance of a Conservation Area (where applicable); and
- The effect of the proposal on the special architectural or historic interest of a Listed Building (where applicable).

WHAT COMMENTS WON'T BE CONSIDERED?

There are certain matters which we cannot take into account when we are dealing with planning applications. Examples of these are set out below:-

- Loss of property value;
- Boundary disputes;
- Private matters between neighbours, such as covenants, rights of access and damage to property; and
- Trade competition.

WHAT HAPPENS TO MY COMMENTS?

All comments received will be acknowledged with a letter from us. This letter will explain what happens next. In some cases the application will need to be presented to a Planning Committee. This will depend on the application and our Scheme of Delegation. This document sets out the types of application which Officers can determine and which applications must go to Planning Committee (This document can be viewed on our website). You will have an opportunity to attend the Committee and could speak (3 minutes) on the application.

Addressing the Committee must be pre-arranged with the LPA in advance of the meeting. By contacting us on receipt of your acknowledgement letter we can advise on the potential date, time and venue of the Planning Committee and you can arrange to speak at that Committee if you wish. Our protocol for Public Speaking at Planning Committee can also be found on our website.

Once a decision has been made on the application we will notify any person who has made representations of this decision. The certificate of decision setting out the approval, imposed conditions or reasons for refusal can be viewed in full on our website.

WILL THE APPLICATION BE REFUSED IF LOTS OF OBJECTIONS ARE RECEIVED?

No, the volume of objections will not in itself result in an application being refused. An application can only be refused for "planning reasons" and not because of the number of objections.

WHO MAKES THE FINAL DECISION ON THE APPLICATION?

Around 90% of planning applications are normally delegated to the Head of Planning and Public Protection or Senior Officers under the provisions of the Scheme of Delegation. However, around 10% will be presented to a Planning Committee made up of elected Councillors who meet every 4 weeks or so. The applications which are heard at Planning Committee are normally major proposals, applications which have raised Policy issues or which have resulted in significant neighbour concerns.

Applications which have generated objections may be dealt with by Planning Officers if the Officers agree to refuse the application. For further information on which types of application are heard at Planning Committee please see the Planning Scheme of Delegation document.

IF I DON'T AGREE WITH THE COUNCIL'S DECISION CAN I APPEAL?

As the law stands there is no right of appeal for objectors or third parties. However, in certain circumstance a Council's decision can be challenged in the courts by objectors or third parties, if there is a concern that the Council has acted unlawfully or in contravention of the Town & Country Planning Act.

An applicant may lodge an appeal to the Planning Inspectorate should the LPA refuse planning permission or he/she does not agree with any conditions imposed on a planning consent.