



Code of Practice for the Publicity of Planning Applications

Development Management Service

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Introduction

Since 1992, it became a statutory requirement to notify neighbours of planning applications. In 1996, several national legislative changes were made, such as the development of the 56 day prior notification procedure for telecommunications development.

In 2002, the Government published a study, the *'Review of Publicity Requirements for Planning Applications,'* which made recommendations for change in response to the increasing public interaction in the development control system. The development and use of information technology (IT) in planning application processing is seen as a way to improve efficiency whilst also increasing access for the public. This includes for example the submission of planning applications online (via the Planning Portal), the viewing of application details via the Council website and the ability of the Development Control Service to consult and receive comments electronically. The Planning and Compensation Act (2004) further promoted public involvement in the planning process, not just in the determination of planning applications.

To promote quality, efficiency and consistency, the Service has undertaken a review of its existing notification and publicity arrangements resulting in the production and adoption of this Code of Practice. The introduction of a geographic information system (GIS) technology to application processing is a tool to improve speed and efficiency of neighbour publicity and consultation. The Code reflects best practice and takes account of the above national guidance and legislative requirements.

Purpose of this Code of Practice

The purpose of publicity is to inform the public of development which may affect them, so that their views are taken into account by the Council before any decision is taken.

This Code of Practice explains the publicity arrangements the Council will give to applications for the following:

- **Planning permission (full or outline)**
- **Approval of reserved matters following the grant of outline permission;**
- **Listed Building and Conservation Area Consent;**
- **Hazardous Substances Consent;**
- **Telecommunications and other development permitted by the Town and Country Planning (General Permitted Development) Order – the GPDO**
- **Consultations by Government Departments and the Crown;**
- **Applications to modify or discharge Section 106 agreements**

This Code of Practice will apply the statutory requirements for publicity as set out in Article 8 of the Town and Country Planning (General Development Procedure) Order of 1995 to applications described in the above list.

During the course of a planning application, application details may be revised to address Officer concerns or so as to comply with adopted Council policies and guidance. This Code of Practice also explains criteria the Council will use to determine whether the receipt of additional or revised application details, or subsequent revisions to previously approved development, warrant additional publicity.

Discretionary publicity will not normally be given for the following types of application:

Applications for advertisement consent
Certificates of Lawful or Alternative Development
Requests for compliance with conditions of an extant planning permission
Consultations received from a neighbouring Local Planning Authority regarding a proposed development outside the boundaries of Rochdale Borough.

Definitions (as defined by GDPO)

'Major' developments are those for:

- 10 or more dwellings, or where the number of dwellings is unknown, sites of 0.5 hectares or more (about 1.2 acres);
- the creation of 1,000 square metres or more floorspace or the site exceeds 1 hectare (about 2.4 acres);
- mineral working or use of land for mineral working deposits;
- all waste related developments, including waste treatment, storage and transfer as well as tipping.

'Minor' developments are those falling below the thresholds for major developments together with changes of use of buildings.

Statutory requirements for publicity measures These are summarised below:

Nature of development	Publicity required
Development where application <ul style="list-style-type: none"> • is accompanied by environmental statement. • is a Departure from Development Plan • Affects a public right of way. 	Advertisement in newspaper and site notice
Major development - see definition previous page.	Advertisement in newspaper and either site notice or neighbour notification
Minor development	Site notice or neighbour notification
Development affecting the setting of a Listed Building	Advertisement in newspaper and site notice
Development affecting the character or appearance of a Conservation Area	Advertisement in newspaper and site notice
Application for Listed Building Consent and Conservation Area Consent.	Advertisement in newspaper and site notice
Permitted development requiring prior notification to Local Planning Authority	Site notice posted by developer

The Council will give publicity to applications by means of:

- neighbour notification or
- site notices or
- press notices or
- a combination of these three measures.

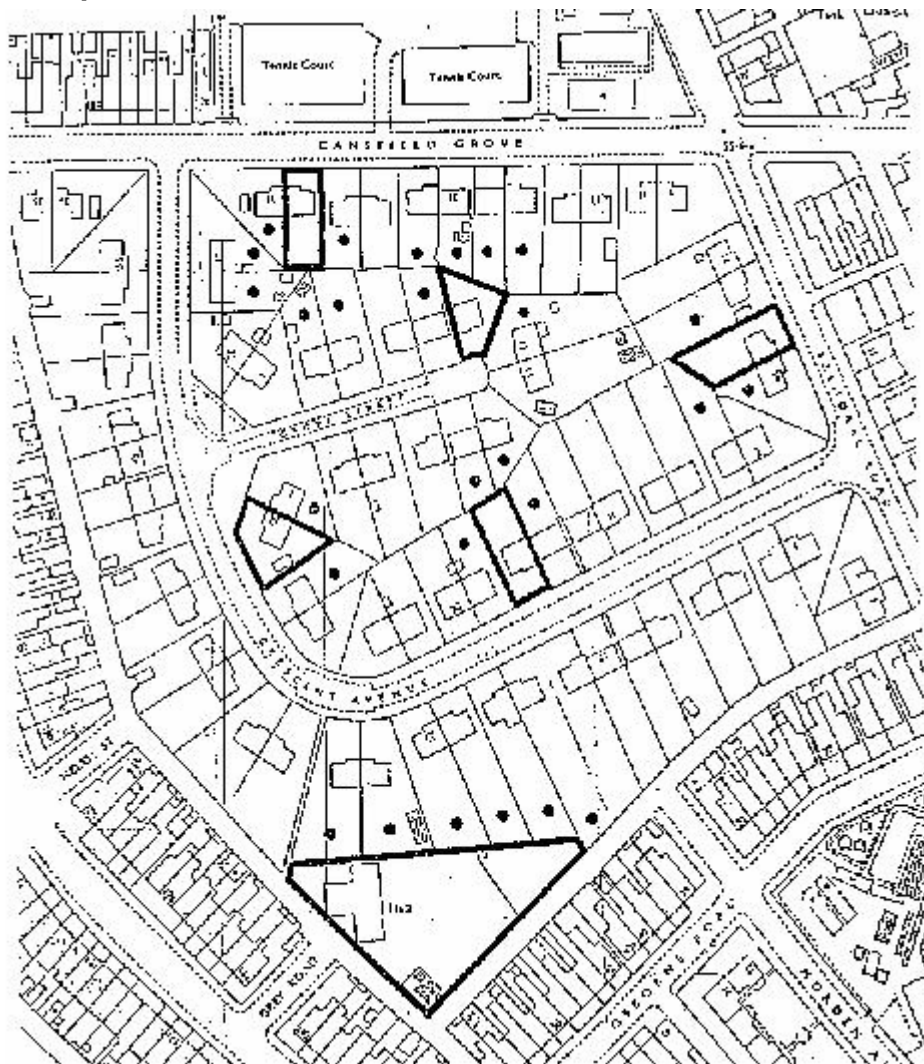
The following sections explain how these measures will be implemented.

Neighbour notification

Where neighbour notification is required, the Council will notify adjoining property owners and occupiers by letter of planning application(s) as soon as possible after receipt of any application(s).

- adjoining owners and occupiers are those whose properties have a common boundary with the application site. Examples are shown on the plan below;
- properties located diagonally at the corner boundaries (and who share a boundary) are considered to be adjoining;
- properties separated by a road, track, public footpath or back alley from the application site are not considered to be adjoining;
- the Council will use only the submitted application documents, its geographic information system (GIS) and information gained by a site visit to identify adjoining owners and occupiers. No other sources will be researched.

Plan showing examples of application sites with adjoining owners and occupiers



----- Site boundary

• Adjoining owners and occupiers

Publicity material (letter, site or press notices) will describe the proposed development, advise of the application reference number, the date by which written comments should be made and that:

- the planning application(s) may be inspected at the Planning and Regulation Services reception at Telegraph House; and
- information on recent planning applications including forms and submitted plans is also available via the Council web site at:
http://www.rochdale.gov.uk/environment_and_planning/planning.aspx

The Service has produced a guidance sheet issued with all neighbour notification letters to explain the following:

- why the neighbouring property has been notified;
- how to obtain more information;
- what are and are not material planning considerations;
- how to make comments, by what date these should be received and how these will be recorded and considered;
- what decisions can be made and Council procedures which apply;
- who decides applications, be it Senior Officers, Township or Regulatory Committee;
- how respondents may obtain the Council's final decision;
- the applicant's right of appeal and how third parties would be notified of any such Appeal.

Discretionary Neighbour Notification

In addition to the statutory requirement, additional discretionary neighbour notification will be given to those properties which are considered to be materially affected by the development, based on the following assessment:

- properties located immediately opposite the site, on the other side of a road where a proposal is likely to have a material impact on the highway through increased congestion and parking;
- properties located immediately opposite the site, on the other side of a road from where the development could be prominently seen;

The discretionary inclusion of a property in any neighbour notification will be assessed on a case by case basis and depend to some extent on its nature, its use and layout, as well as the nature and character of the proposed development itself. Site notices are generally regarded as a more effective method of publicising applications rather than widespread notification letter.

The use of discretionary site notices is dealt with elsewhere in the Code.

Statutory site and press notices

Where site and press notices are legally required, the Council will arrange for a site notice or notices to be displayed in proximity to the application site. A press notice will also be placed in an appropriate local newspaper circulating in the area where the application site is located.

This will take place following receipt of applications for development which:

- if approved, would be contrary to the adopted development plan policies for the area known as 'Departure Applications';
- are accompanied by an Environmental Impact Assessment;
- would likely affect a public right of way, for example, by closure, diversion or change in its character;
- for all categories of Major Development, as defined previously;
- for development affecting the setting of a Listed Building;
- for development affecting the character or appearance of a Conservation Area;
- for all applications submitted for Listed Building Consent and Conservation Area Consent.

Developments likely to create wider concern

In addition to statutory requirements, the GDPO recommends the Council give consideration to whether certain types of development falling outside of the above are likely to create greater concern and require discretionary publicity beyond the minimum requirements. The Council will consider on a case by case basis the most appropriate method of giving additional publicity beyond that already outlined to those applications which are likely to create wider concern. For greatest impact, this is likely to be achieved by means of site notice(s), press notice or both and in occasional circumstances additional individual neighbour notification. The following list indicates the likely types of development where this additional discretionary publicity will be considered:

- proposals with the potential to change the character of an area, for example particularly tall buildings;
- those affecting residential properties (beyond those notified by neighbour letter) by causing noise, smell, vibration, dust or other nuisance eg hot food take aways;
- proposals on a significant scale attracting traffic, noise and disturbance into a generally quiet area;
- those causing activity and noise during unsocial hours;
- those resulting in serious reduction or loss of light, overshadowing or privacy beyond adjacent properties;
- those affecting the setting of an ancient monument or archaeological site;
- proposals affecting trees subject to Tree Preservation Orders.
- applications for the installation of telecommunications equipment.

Discretionary site notices

In each case the Council will aim to select the most appropriate form of publicity to provide the public with prior notification of development which may affect them. Site notices are sometimes a more effective method of publicising applications than widespread notification letter.

The Council will consider using site notices either instead of, or as well as, neighbour notification when:

- there are few immediate neighbours to the application site;
- the ownership of adjoining land is uncertain and cannot quickly be established;
- the adjoining land or premises are vacant, or
- small scale developments are proposed in large commercial and industrial complexes with large numbers of dwellings on the boundary and the cost of neighbour notification would be disproportionate to the scale of the development; or
- other local circumstances indicate that site notices would be more effective.

Notices posted by the developer

Some developments (eg agricultural prior approvals) are permitted by the General Permitted Development Order subject to conditions requiring the developer publicise the proposal by means of a site notice prior to their submission. Where appropriate, the Council may choose to undertake further publicity on these applications but with reduced timescales for responses where regulations limit the time the Council has to deal with them. (eg on 28 or 42 day prior notifications)

Owners or tenants of an agricultural holding

Service of notice on owners and agricultural tenants is the sole responsibility of the applicant. The Council will check the submitted application documents as part of the validation process to ensure the appropriate procedures have been followed.

Time periods for publicity

The Council will ensure that no decision is taken on any application subject to this Code of Practice before the expiry of the following time periods unless those notified have stated in writing that they have no objections to the proposals:

Neighbour notification	24 days from the date on which the letter was posted or hand delivered.
Press Notice	21 days from date of statutory publication in the press (14 days for discretionary press notice)
Site Notice	21 days from the date of posting of a notice on site.
Developer's Prior Approval Notice	28 days determination period from the date on which the local planning authority gave notice to the applicant that prior approval of the development was required 14 days from posting of site notice or neighbour notification letter.
Notice to owners or tenants	21 days from council's service of notice by applicant

Publicity of Applications using the Development Control Service website

The Service website is being developed in accordance with best practice and e-government policy. Both the weekly lists of newly received applications and weekly list of decisions are published on the website. In addition, a web browser allows application details (plans, forms and reports etc) to be viewed and comments submitted online for user convenience. The website is linked to the Government's Planning Portal which allows applications to be submitted electronically together with the submission of comments and responses from statutory consultees.

Legislation now allows publicity for applications using the website but at present still requires publicity to be undertaken by 'local advertisement' for certain types of development highlighted elsewhere. However, this legal requirement to advertise by press notice could change in the future.

Future development of the website will be publicised. It is anticipated greater information will be placed on the website to highlight the Service and maximise its potential benefit and accessibility to customers.

Publicity of applications to be determined by Township Sub or Regulatory Committee(s)

Where an application is to be considered by Township Sub Committee or Regulatory Committee in accordance with the approved Delegation Scheme;

- the applicant or agent will be informed by letter;
- all objectors and supporters who have submitted written comments from separate address will be informed by letter;
- the organiser of a petition, or set of standard letters, normally the first named person, will be informed by letter;

The Committee notification letter will;

- identify the application details, the time, date and venue of the relevant Committee meeting;
- the application number, description of development and site location;
- the date, time and venue of the Committee meeting at which the application will be considered;
- advice that during the Committee meeting there will be an opportunity for the applicant, agent or supporter and any objector to make verbal representations, up to a maximum of 5 minutes for either side. A spokesperson should be appointed, if more than one person wishes to speak.

Publicity of the Committee meeting at which the application is to be considered will take place shortly after the compilation of the relevant Committee agenda. Wherever possible, letters will be issued at least 5 working days before the date of the meeting. A report to Committee will summarise the views received at the time of its completion. A copy of the Officers report to Committee can be viewed via the Council website at: www.rochdale.gov.uk

To meet service speed of planning application performance targets, there may be instances where applications are reported to Committee before the expiry of any time period for comment. This will be highlighted to Committee and any decision would be delegated to Officers to determine the application in accordance with Members wishes following the expiry of this date.

Re-notification of amendments made to applications currently under consideration

In the above cases, no statutory publicity of details is required. However, there will be instances where additional publicity is appropriate and may assist in the smooth processing of a planning application. The statutory requirements do not apply to these types of submission. This Code of Practice explains below how publicity for these will be provided.

Publicity for amendments and proposals of this nature is optional. The Council will decide whether and how to give publicity taking into account if:

- (a) objections or reservations were raised at an earlier stage, whether they were substantial and, in the Council's view, are relevant to the amendments submitted;
- (b) the proposed changes are materially different and would have a greater impact to the objector when compared to the original proposals;
- (c) earlier views covered the matters now under consideration;
- (d) parties not previously notified might be affected, for example if additional land or an alternative means of access are to be included, or amended building siting being considered;

The time periods allowed for the receipt of representations following such publicity will normally be 14 days from the displaying of a site notice(s) or the date of posting of any neighbour notification letter.

To meet service speed of planning application performance targets, there may be instances where applications are reported to Committee before the expiry of any time period for comment. This will be highlighted to Committee and any decision would be delegated to Officers to determine the application in accordance with Members wishes following the expiry of this date.

Applications to make amendments to previously approved development

Legislation came into effect in October 2009 to support the making of minor amendments to existing planning permissions under simplified application procedures. There is no statutory requirement to give publicity to requests to approve changes to existing planning permissions. The notification of neighbours by the Council is discretionary, taking into account that full consultation took place with neighbours at the time of the original granting of planning permission, and in order to be dealt with under this procedure any variations must have limited impact. However, in the interests of transparency a proportionate approach to publicity will be given to all proposals for the amendment of existing development ie to notify only those who may be affected by the amendment if implemented. On remote sites, sites screened by vegetation, or where the alterations are internal to the site no neighbour publicity of applications to make minor amendments will be given.

Non material amendments

Where a non material amendment is requested the Council has a limited period of 28 days to decide whether to accept these changes. A period of 14 days will therefore be given from the posting of any letter for any representations to be received.

On remote sites, sites screened by vegetation, or where the alterations are internal to the site no neighbour publicity of applications to make minor amendments will be given.

Minor Material amendments

For applications submitted to make minor material amendments to existing planning permissions there is no statutory requirement to publicise. As such, a discretionary and proportionate approach will be given to publicity, notifying only those neighbouring properties which may be affected by the amendment. The Council does not have 28 days to determine and the typical timescale for neighbour representations of 24 days from date of posting of letter will apply. On remote sites, sites screened by vegetation, or where the changes proposed are internal to the site, no publicity of this type of planning application will be given.

NOTE

For requests to approve minor material amendments to existing permissions, the effect of any amendment being made must be that the scale and nature results in a development that is not substantially different in its character and description from the one which has been already granted planning permission.

Where this would not be the case and significant alterations are proposed which would change the character and description of development, any applications for minor amendments, whether material or otherwise, will be refused. The developer will be invited to submit a fresh application for planning permission which would then be advertised for public comment.

Council development and development by the Crown

Development proposed by the Council or by a government department on behalf of the Crown will receive the same publicity as development of the same type proposed by any other party.

Validation and Publicity Procedures

The Council has adopted separate procedures to ensure planning applications are submitted with sufficient information and quality, known as the Application Validation Checklists. These may be viewed at the service reception or via the Council website at: www.rochdale.gov.uk

To speed up its consultation procedures, neighbouring properties to an application site will be identified from the Service geographic information system (GIS)

In addition, the Council will adopt the following procedures to ensure the fair and efficient operation of the publicity arrangements:

- all sites will be visited and a check made by the Case Officer and reviewing manager that appropriate parties have been informed of the application;
- plans will be checked on site by the Case Officer for gross errors and

relationship to adjoining properties or site boundaries. Any errors or omissions will be referred back to the applicant or agent for such details to be amended;

- publicity arrangements will be carefully considered by the Council in accordance with this Code of Practice.
- neighbour notification letters will be dispatched and, if necessary, arrangements made for site and press publicity of an application as soon as is practically possible following receipt of the application, and all publicity recorded;
- neighbour notification letters will be addressed to the owner and/or the occupier;
- all representations must be made in writing to the Service and contain the writer's name and postal address for their file recording.
- for convenience and to maximise service usage, application details may be viewed and comments submitted via the Council's website. An email address is not sufficient and all electronic representations to the Service should include name and full postal address for their file recording;
- for all applications decided by Senior Officers under delegated powers, all representations received before the application is determined will be considered before a decision is made;
- for all applications considered by Committee, any additional written representations received from the applicant, agent, supporters or objectors should be received the day before the meeting. The content of these may be circulated to Members at the meeting but will be summarised verbally during the meeting;
- applications will only be reported to relevant Township Planning Sub Committee or Regulatory Committee in accordance with the Council's approved Delegation Scheme.

To meet service speed of planning application performance targets, there may be instances where applications are reported to either the Township Planning Sub Committee or Regulatory Committee before the expiry of any time period for public comment. This will be highlighted to the Committee and any decision would thereafter be delegated to Officers to determine the application in accordance with Members wishes following the expiry of any publicity date.

There may also be instances where the Township Planning Sub Committee or Regulatory Committees delegate the determination of a planning application to Officers following either the receipt of additional information as requested by Committee, or to authorise Officers to enter into and complete a legal agreement between a developer and the Council.

Notification of Decisions

Once a decision on an application has been taken, the Council will notify parties of decisions as follows:

Applicants (or agent if one used)	By decision notice
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Those who have made written representations on a application (including petition)	By posting of decision notice on the website, including conditions and reasons.
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When large numbers of representations have been received other arrangements may be made to publicise the decision as considered appropriate by the Head of Planning and Regulation Services, including press releases or press notices.

In all cases, planning application files may be inspected during normal office hours at the service reception at Telegraph House. Decision notices from 2003 onwards can be viewed on the council's web site at:

<http://www.rochdale.gov.uk/swift/plan/run/wchvarylogin display>

General notes concerning Publicity of Planning Applications

1. The cost to the Service of publicity can be significant and unnecessary publicity can be expensive and wasteful.
2. The scope of publicity in any given case will be determined by technical staff based on the application details and the Council's GIS system. The publicity details are checked by the Case Officer on a site inspection.
3. In most cases, the extent and nature of publicity to be undertaken is a matter of common sense. The notifying officer should consider the situation from the point of view of a neighbour when deciding which properties to include/exclude. Where there is doubt under this Code, a property should be notified. The nature and extent of notification on complex proposals will involve the relevant Case Officer.
4. Site and press notices will describe all the reasons why an application is being advertised in that way, for example Conservation Area, Departure Application, Major Development. Advertisement of an application under one heading does not obviate the need for advertisement under another. However, advertisements will be combined into one composite notice for efficiency.
5. Where a proposal has a direct effect on any neighbour, notification by letter is the preferred method of publicity where there is discretion, as this is more likely to be effective in providing information and response.
6. Where there is discretion, site notices are preferred to press notices, unless the target is as wide a public audience as possible.