

Decision Maker: **Development Control Committee**

Date: **28 June 2012**

Decision Type: Non-Urgent Non-Executive Non-Key

TITLE: PUBLICITY FOR PLANNING APPLICATIONS

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Chief Officer: Bob McQuillan

Ward: All Wards

1. Reason for report

To explain the Council's legal responsibilities and informal procedures for publicity for planning applications

2. **RECOMMENDATION(S)**

Members are asked to note the contents of the report

Corporate Policy

Existing policy:

Financial

1. Estimated cost Included within existing staff workload
 2. Non-recurring cost
 3. Budget head Planning
 4. Total budget for this head £3.3m
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Staff

1. Number of staff (current and additional) - 1
 2. If from existing staff resources, number of staff hours - 5
-

Legal

1. Statutory requirement:
 2. Call-in is not applicable:
-

Customer Impact

Estimated number of users/beneficiaries (current and projected) - All users of planning process

3. COMMENTARY

- 3.1 Publicising applications is an essential and integral part of the planning process, and the Local Planning Authority (LPA) has basic statutory requirements to meet, as well as decisions to make regarding when to carry out additional consultation over and above the statutory requirements. This report summarises this position but does not discuss statutory and non statutory consultees such as the Environment Agency or English Heritage.
- 3.2 Legal publicity requirements for planning applications are primarily set out in the Town and Country Planning (Development Management Procedure) Order 2010. Government advice is found in Circular 15/92: Publicity for Planning Applications. Requirements for other types of applications are set out in the Advertisement Regulations 2007, the Planning (Listed Building and Conservation Areas) Act 1990 and the Town and Country Planning (General Permitted Development) Order 2005, all as amended.
- 3.3 Bromley has published information regarding publicity and consultation in Section 4 of our Statement of Community Involvement (September 2006) which sets out that “significant applications which have a wide public interest will have a wide area of notification;” and “all owners or occupiers of properties immediately abutting the site (disregarding any roads) are notified of applications”. Some Local Planning Authorities have chosen not to send letters to adjoining owners/occupiers at all, but only display a site notice and press advertisement where appropriate. This complies with the minimum publicity requirements.
- 3.4 In general Bromley exceed basic consultation requirements for almost all applications. The table below sets out in basic terms the type of application, the statutory requirement and the normal Bromley approach. Whilst it is an indication please note that it cannot cover every eventuality.

Application Type	Statutory Requirement	Normal Bromley Approach
Non major full or outline planning application	Site notice or letters to adjoining owners/occupiers	Letters to adjoining owners/occupiers in all cases; Site notice where appropriate, (e.g. where it may be difficult to be certain all adjoining owner/occupiers will be notified by letter)
Major full or outline planning application	Site notice or letters to adjoining owners/occupiers and local press advertisement	Site notice, letters to adjoining owners/occupiers and local press advertisement
Non major or major, full or outline planning application which are EIA cases, departures from the development plan, applications would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981(public rights of way) applies, or affect the setting of a statutory listed building	Site notice and local press advertisement	Site notice, letters to adjoining owners/occupiers and local press advertisement

S.73 Application (Variation / removal of condition or minor material amendment)	As for full planning application	As for full planning application
Non material amendment	No requirement	None (one of the tests as to whether a change is material is whether neighbours should have the opportunity to comment)
Amended plan, updated description or additional information for current application	No requirement	Decision made by case officer with regard to scale of change and likely impact upon neighbours
Application for Advertisement Consent	No requirement	Letters to adjoining owners/occupiers in most cases; Site notice where appropriate, (e.g. where it may be difficult to be certain all adjoining owner/occupiers will be notified by letter)
Telecommunications application for prior approval under Part 24 of the GPDO	As for full planning application	As for full planning application
Agricultural application for prior approval under Part 6/7 of the GPDO	No requirement	None
Certificate of Lawfulness for existing or proposed development or use	No requirement	Letters to adjoining owners/occupiers
Listed Building Consent / Conservation Area Consent	Site notice and local press advertisement	Site notice, letters to adjoining owners/occupiers and local press advertisement
Tree applications	No requirement	None
Adjoining Authority Consultations	No requirement	Adjoining London Boroughs notify Bromley residents directly; we notify Bromley residents for significant proposals we are consulted about in other adjoining authorities by letter where it is considered they will have an impact

- 3.5 Applications are also publicised on the Council’s Planning website at www.bromley.gov.uk/planningaccess, and by registering it is possible to receive notifications regarding applications as well as search by keyword or application number. The Council also publishes a paper based ‘Weekly List’ of applications received, which is available by subscription.
- 3.6 With regard to the identification of ‘adjoining owners’ for the purpose of notification by letter, in general we try to notify all properties with a common boundary with the application site as this is the legal requirement if notifying solely by letter, and sometimes other properties close by who may be affected by a proposal. For more complex cases we often use a site notice even if it is not a statutory requirement. Sometimes the site visit carried out by the case officer can reveal additional properties which should be notified and this is then done as soon as possible.
- 3.7 Where a revised or subsequent application is submitted for the same site, those who previously commented on the application as well as the original adjoining owner/occupiers are also normally notified. The Council does not normally notify any party of proposed decision dates although dates for determination for individual applications can be seen on the Search planning applications website at www.bromley.gov.uk/planningaccess as soon as they are confirmed by the case officer.
- 3.8 Neighbours are often concerned that postal delays and holidays can reduce the consultation period given in adjoining owner letters. Whilst it is difficult to avoid holiday periods when consulting due to the statutory time period for determination of applications, in general applications are not determined immediately following the expiry of the consultation period, and in practice the Council accepts representations right up to the day of determination.

Non-Applicable Sections:	POLICY, FINANCIAL, LEGAL, and PERSONNEL
Background Documents: (Access via Contact Officer)	Town and Country Planning (Development Management Procedure) Order 2010; Circular 15/92: Publicity for Planning Applications; Advertisement Regulations 2007, the Planning (Listed Building and Conservation Areas) Act 1990; the Town and Country Planning (General Permitted Development) Order 2005 (all as amended). Statement of Community Involvement (September 2006)