

**WEST OXFORDSHIRE DISTRICT COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**MONDAY 25 APRIL 2016**

**PLANNING APPLICATION NOTIFICATION**

**REPORT OF THE HEAD OF PLANNING & STRATEGIC HOUSING**

**(Contact: Giles Hughes, Tel: (01993) 861658)**

(The decisions on this matter will be resolutions).

**1. PURPOSE**

To review the Council's procedures for engagement on planning applications with Town and Parish Councils and the public in light of experience since October 2014.

**2. RECOMMENDATIONS**

- (a) That the new arrangements for the notification of planning applications be continued, combining the use of site notices in all cases, with the notification by the case officer of those individual neighbouring properties judged to be particularly affected by a proposal;
- (b) That the Council continue with the phased introduction of electronic notification of planning applications to Town and Parish Councils, with changes made by agreement with individual Town and Parish Councils and with the programme of support;
- (c) That the distribution of weekly lists of applications validated and determined to Town and Parish Councils, and for Members, be phased out in light of the flaws in this process, after communication with recipients and with support for use of the reliable electronic 'self-serve' systems;
- (d) That the Council notify Town and Parish Councils, and erect site notices for selected tree works applications, where proposals are judged by the Council's Forestry & Landscape Officer to potentially have a significant adverse impact on the public amenity of the area and/or would be of wider public interest;
- (e) That all tree works applications be included as part of the Council's online planning information, with the implementation of this change to be after the implementation of the trees module for the Council's planning system; and
- (f) That the Head of Planning and Strategic Housing assess whether it may be necessary to amend the Council's Statement of Community Involvement as a consequence of these decisions, and if so to report to Cabinet on any proposed amendments for their consideration.

**3. BACKGROUND**

**Introduction**

- 3.1. The Council introduced new arrangements for the public notification of planning applications and for engagement with Town and Parish Councils in October 2014. This took advantage of the opportunities presented by a new computer system for planning and building control to increase the efficiency and effectiveness of notification arrangements. It replaced the automatic use of neighbour notification letters and hard copy engagement with Parishes with the following package of engagement measures:

- Site notices in all cases;
  - Promotion of online registration for email alerts on planning applications ;
  - Better information online, and ability to respond online, through Public Access;
  - Notification of those individual neighbouring properties where the case officer considers that they are particularly affected by a proposal; and
  - A phased implementation, with willing Town and Parish Councils, of email and web-based engagement, with a programme of support for Parish Councils.
- 3.2. The Development Control Committee in approving these new arrangements decided that a report on the effectiveness of the arrangements be submitted to the Committee at a suitable date after six months of operation to enable the Committee to make any amendments that may be necessary.
- 3.3. This report reviews the effectiveness of the new arrangements over the last year and a half.

### Neighbour Notification

- 3.4. There has been a significant increase in the number of public comments made on planning applications since the introduction of the new arrangements. Between October 2013 and 2014 the Council received 1,694 planning applications and 4,051 public comments. The following year the Council received 1,901 planning applications (a 12 % increase) and 6,280 public comments (a 55% increase). Detailed figures on the number of responses received both before and after the new arrangements are included in the following table:

Application Type	Number of Responses		Comments
	'Before' Oct 2013 to Oct 2014*	'After' Oct 2014 to Oct 2015*	
Major Applications	2807	4024	43% Increase
Minor Applications	867	1405	62% Increase
Other Applications	377	851	126% Increase
<b>Significant within Other</b>			
Householder Applications	314	518	65% Increase
Change of Use	23	228	891% Increase
Listed Building Consent	28	85	204% Increase

\* Responses to planning applications received over the year.

- 3.5. The statistics demonstrate that the new arrangements have facilitated greater public input on all categories of planning applications. A programme of publicity was carried out to make the public aware of the ability to register online for email alerts on planning applications. It appears that this together with improvements in online information, and

with the ability for the public to respond online, through Public Access has allowed greater engagement. Between October 2014 and October 2015 68% of all comments were made online using Public Access. As at December 2015 6,423 people had registered for email alerts of planning applications.

- 3.6. Following the introduction of the new arrangements in October 2014 there have been 4 cases of formal complaints from residents who were unaware of planning proposals nearby. These concerned developments at Stonesfield, Middle Barton, Shipton under Wychwood and Charlbury. In these cases the complaints referred to the positioning of site notices and the lack of neighbourhood notification letters. One of these complaints (Charlbury) was referred to the Local Government Ombudsman who found no fault with the Council.
- 3.7. Following the complaints the importance of site notice positioning was emphasised to case officers. Case officers have also been reminded about the need to directly notify those individual neighbouring properties where they consider that they are particularly affected by a proposal. No new complaints regarding neighbourhood notification have been received since October 2015.
- 3.8. Although it is always regrettable when residents feel the need to complain, only 4 cases have been complained about since the new arrangements were instigated. The level of complaint needs to be considered in light of the large number of planning applications handled in the same period (1,901) and the high level of public engagement on planning cases (6,280 public comments). Therefore Officers consider that the new arrangements have been effective in allowing members of the public to become aware of planning proposals and to make comments if they so wish.
- 3.9. The significant increase in the numbers of comments received, and the consequent need to regularly update online information, has created additional work for the Development Services Support Team. This has counterbalanced the savings in officer time from the withdrawal of neighbour notification letters.

### **Engagement with Parishes**

- 3.10. Historically the Council has sent a single hard copy of a planning application to the relevant parish contacts. The Development Control Committee in October 2014 resolved to move towards email and web-based engagement with Parishes in a phased manner by agreement with Parishes. This reduces the need to send paper copies of planning applications to Parishes and significantly reduces the costs involved in doing so. It also has the potential to benefit Parishes by ensuring that they have online access to a greater level of up to date information on planning applications.
- 3.11. Over the last year there has been extensive engagement with a number of Parishes to encourage them to move to electronic working. The following Parishes have already moved to email and web-based engagement:
  - Northmoor
  - Hanborough
  - Leafield
  - Fulbrook
  - Shipton under Wychwood
  - Carterton

- 3.12. The following are due to move to electronic working shortly:
- Witney
  - Burford
  - Combe
- 3.13. Those Town and Parish Councils which have moved to electronic working will continue to be provided with paper copies of Major planning applications as a matter of course, and applications of high public interest (at their request).
- 3.14. Further engagement is planned with other Parishes and it is hoped that the benefits of electronic engagement will persuade others to move to this approach.
- 3.15. A support fund of £5,000 was set up to help Parishes move to electronic working. This funding is available to help cover additional equipment costs such as projectors and screens. To date this fund has supported the provision of new equipment for Burford (£394), Shipton under Wychwood (£469.96), and Combe (£469).

### **Weekly Lists**

- 3.16. From December 2014, Weekly Lists of applications validated and determined have been distributed via email. The lists identify those applications validated and determined within a given period, however, due to the legislation controlling validation, on occasion the lists are incomplete where an application is not able to be registered in the same week that it is received. As application volumes have increased, the potential flaw in the information provided in these weekly lists is becoming more common and more apparent.
- 3.17. The information contained in the lists can be found online via Public Access. Users can set up a bespoke search using Public Access or Consultee Access. Searches can be set up which will enable users to keep abreast of all new and determined Planning Applications in any Parish or Ward by email notification and/or list generated by the user. This method also provides the users with a link direct to the application should they wish to view it, download a copy of the decision notice should they wish to keep a local copy for their own reference, or for new applications, track their progress.
- 3.18. A user guide has been created, named '**Create and save a search**' which offers a step-by-step guide to setting up a search. It is very easy to set up and would enable users to be more confident that they are fully aware of development proposals and decisions in their Town, Parish or Ward. One-to-one assistance is also available for all users wishing to set up search criteria that fulfil their needs.

### **Notification on Tree works applications**

- 3.19. In the year after October 2014 the Council received approximately 389 applications for works to trees. These applications concerned trees protected by Tree Preservation Orders (39 cases) and trees within Conservation Areas (350 cases). At present the Council does not notify these applications to either Parishes or to neighbours.
- 3.20. Local Planning Authorities can choose to notify tree works applications and some do so as a matter of course although there is no legal requirement to undertake consultations. A formal complaint was received in 2015 from a concerned neighbour about a case in Aston. In this case the neighbour had been notified about planning applications on the site but there was no notification of a linked application for extensive tree works. Although there was no fault in the administration of the Council's procedures this case does raise the question as to whether the Council ought to carry out notification on

those tree works applications that are likely to be of wider public interest, or are particularly significant. This would be likely to affect between 5 to 20 cases a year.

- 3.21. A new trees module for the Council's planning system is planned to be introduced this year. This is needed for operational reasons and would allow information on tree works applications to be included in Public Access at no extra cost. This would provide greater transparency on trees applications. This information is public information and along with online publication of Tree Preservation Orders would allow applicants and the general public to obtain key information without needing to contact the Council directly.

#### **4. ALTERNATIVES/OPTIONS**

- 4.1. The introduction of the new computer system for planning and building control in October 2014 triggered a review of the arrangements for parish and community engagement on planning applications. A new approach was adopted at that time in order to meet the following objectives:
- Reduce printing, publication and postage costs
  - Streamline administrative processes
  - Improve the extent and timeliness of information on planning applications
  - Make it easier for local communities and neighbours to input on planning applications
  - Increase opportunities for customers to self-serve online
- 4.2. This report reviews the Council's procedures for engagement on planning applications in light of experience since October 2014. The effectiveness of the Council's arrangements for neighbour notification and parish engagement is an important issue. The planning process makes decisions on important local matters which have the ability to affect neighbours and local residents.
- 4.3. The new arrangements appear to have been effective in allowing greater public engagement on planning applications while streamlining administrative procedures. The Committee could decide to continue with these arrangements or alternatively revert back to the previous arrangements which included neighbour notification letters on all cases. However the previous arrangements were costly and did not take advantage of technology.
- 4.4. Given the flaws identified at 3.16 above, it is recommended that the distribution of Weekly Lists should be phased out. If the Committee decides to retain the Weekly List the inaccuracy of these lists needs to be recognised.
- 4.5. There is a choice as to whether, or not, to introduce public notification on selected tree works applications. This would affect those applications that are likely to be of wider public interest, or are particularly significant. This is estimated to be between 5 and 20 cases a year. Judgements as to whether to notify an individual application would be taken by the Council's Forestry & Landscape Officer. This would allow public input on these applications.

## **5. FINANCIAL IMPLICATIONS**

There are no financial implications from the continuation of current notification arrangements. Success in moving further Town and Parish Councils to electronic working will create additional savings in staff time and printing costs. The cost of introducing notification on selected tree works applications is expected to be negligible.

## **6. RISKS**

There are no additional risks if the new arrangements continue. The phasing out of the Weekly List and its replacement by reliable mechanisms eliminates a flaw in the Council's procedures. The introduction of notification on those tree works applications that are likely to be of wider public interest, or are particularly significant will minimise the risk of complaints from affected neighbours.

## **7. REASONS**

The Council needs to have cost effective arrangements in place for engaging with parishes and local residents on planning applications. Effective engagement on planning proposals supports the Council's ability to work in partnership to sustain economically prosperous towns and villages with full employment. It also helps the Council protect and enhance the environment of West Oxfordshire and maintain the district as a clean, beautiful place with low levels of crime and nuisance.

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### Background Papers:

'West Oxfordshire Statement of Community Involvement' (December 2014)