

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF PLANNING COMMITTEE ON 20 JULY 2022

SUBJECT: Development Management Advice Note

REPORT AUTHOR: Neil Crowther

DATE: July 2022

EXTN: 01903 737839

AREA: Place

EXECUTIVE SUMMARY:

The attached Note has been prepared to set out the customer expectations from the Planning Service. This consolidates a lot of advice that is already published, and it is hoped will result in a consistent approach to customer service throughout the Department.

RECOMMENDATIONS:

To endorse the publication of the Advice Note.

1. BACKGROUND:

- 1.1 The attached Advice Note has been prepared and it is proposed to publish it on the Planning web pages on the Council's website.
- 1.2 We have had numerous pieces of customer advice published on the website for a long time around how we will deal with planning applications and confirm when we will or won't negotiate in order that applications are determined and do not remain undetermined for protracted periods of time.
- 1.3 The attached Advice Note consolidates this advice. It also sets out some customer service standards to ensure that all staff have clearly defined expectations in respect of customer service.
- 1.4 The attached note will be sent to the Design Team at Arun before publishing to make it into a booklet and to ensure that corporate logos are attached.

2. PROPOSAL(S):

To endorse publication of the Advice Note.

3. OPTIONS:

To amend it or not publish it.

4. CONSULTATION:		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X
Other groups/persons (please specify)		
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)		
Financial		X
Legal		X
Human Rights/Equality Impact Assessment		X
Community Safety including Section 17 of Crime & Disorder Act		X
Sustainability		X
Asset Management/Property/Land		X
Technology		X
Other (please explain)		
6. IMPLICATIONS:		
None of the above		

7. REASON FOR THE DECISION:
To make previous advice more visible and to set out customer expectations.

8. BACKGROUND PAPERS:
None

Arun Development Management Customer Advice Note

July 2022

Our customers fall under many categories. These can include those applying for planning permission, those making representations on applications, Town and Parish Councils, the business community, Councillors, other council services, statutory bodies, interest groups and other organisations interested in planning applications and the planning process.

We aim to provide a professional, courteous, and timely service and strive to maintain high standards. This allows us to make the best possible decisions for our communities.

The purpose of this note is to provide advice to those considering submitting a planning application. This note will apply to any application received after the 1 August 2022. The content of this note is broadly consistent with the approach being taken by several other council's but reflects the circumstances currently prevalent in Arun.

Our Commitment to Customer Service

- We will keep applicants and agents informed of progress on their applications. The applicant/agent will receive communication from case officers no later than 6 weeks after an application is submitted.
- Planning conditions will only be attached where they are necessary and proportionate. We will not generate unnecessary work for ourselves or applicants.
- Where necessary, pre-commencement conditions will be sent to all applicants/agents to agree prior to determination.
- A site visit will take place on all planning applications **3 weeks** from the date of validation.
- Whilst the determination of pre-application advice applications is a lower priority to planning applications, our aim is to determine them within **6 weeks**. If this is not possible and there are capacity issues, they will be determined in good time with communication with applicants/agents.
- Contact details for case officers will be on all correspondence and can be found at www.arun.gov.uk/contact-planning/. Phone calls and correspondence to case officers from applicants/agents will take place within **4 working days**.
- We encourage public representations on applications via the online form for each application. Representations on applications will not receive responses. They will be reported as representations in the determination of applications. Representations should be sent via the online form. Those sent direct to planning officers will not be acknowledged.
- General enquiries submitted to Planning (planning@arun.gov.uk) will be responded to within **5 working days**.

Submission of amended plans and additional information

The Council accepts that negotiations on proposals are an important part of the application process. However, amendments are not an alternative to well thought out, consulted, and properly prepared schemes in the first place. We continue to recommend that applicants use the pre-application service so that issues can be identified and addressed at early stage, and so that follow-on applications can be determined with the benefit of the pre-application advice if it has been followed and is within reasonable timeframes. This is subject to the caveat set out in the 'Pre-application Advice' section of this note.

It is the responsibility of applicants and agents to ensure that the correct information is submitted with applications. Failure to do so, will result in applications either being unvalidated or refused due to an absence of information. The validation checklist is contained at the following web page.

www.arun.gov.uk/making-a-planning-application#Planningvalidation

We will only accept any amendment to the red line site area once an application is validated where the change relates to the location of the proposed access or involves the reduction in the site area to resolve ownership issues and any other changes required to the red line will require the application to be withdrawn and resubmitted.

The Council published its protocols around when amendments will or will not be sought and how applications will be determined in 2019. We only accept amendments or additional information after initial submission and validation of a planning application and during its consideration in the following circumstances:

- If pre-application advice was not obtained or followed it is unlikely that we will negotiate any changes and the application will be decided based on the information originally submitted.
- If pre-application advice has been sought and the proposals do not follow the advice issued, the application will be decided based on the information originally submitted.
- If pre-application advice has been sought and the advice has been followed, we will negotiate on minor amendments if required.
- In the case of applications for matters reserved by condition we will only allow one attempt at amending the application before issuing our decision. All decisions on Discharge of Conditions will be made within 12 weeks as a maximum.
- In the case of householder and non-major applications, case officers may seek one set of amendments to make a scheme acceptable and which would not result in the need for re-consultation and allow the application to be determined within the statutory time limits.
- In the case of major applications, case officers will only seek amendments that do not fundamentally change the form of the proposals and if it is a minor matter in response to consultation responses that can be dealt with

within the statutory time limits. Any amendments that would result in the need to display new notices will not normally be accepted.

- In all cases, if there is an objection to the principle of development, the application will be determined on the information originally submitted.
- If a retrospective application is refused, we will take formal action immediately after the decision is issued.

- Extensions of Time will be used in the following circumstances.
 - Where there is a legal agreement that needs to be completed where progress is being made towards completion. In instances where no progress is being made to complete an agreement, applications will be determined without delay.
 - Where the application needs to be considered at Planning Committee.
 - Where it is appropriate to negotiate or seek additional information.
 - Where there are outstanding consultee responses critical to the determination of the application.

- Where a breach of condition is identified, any decision where No Further Action is recommended will be agreed by the Group Head of Planning.
- Where a planning obligation is required, we will clearly define a project where a contribution is to be spent and define who is spending that contribution.

Major applications (with a Planning Performance Agreement)

The same process will be applied as for Major applications without a PPA but where a PPA has been entered into then at the discretion of the case officer, usually only two sets of amended drawings or one bundle of additional information will be accepted.

Pre-application advice

The Council's pre-application service is a useful way of ironing-out issues prior to the submission of applications. We will encourage applicants to make the most of, and benefit from, the service. Where the advice given is considered by applicants it should enable applications to run a smoother and speedier course.

Design Principles

As a result of the changes to the NPPF, the publication of the National Design Guide and the adoption of the Arun Design Guide in 2021 we will now be requiring more details regarding design including your design principles which you should be including in your Design and Access statements. We would particularly draw attention to the requirement to provide, when relevant, open space, landscaping and planting areas, footpath and cycle connections for health and wellbeing and the need for biodiversity measures to be included as an integrated part of design. Trees are specifically referenced within the NPPF including the importance of street trees.

We would draw particular attention to paragraph 73 regarding the use of masterplans and design guides.

Further, for householder extension applications it would be very useful to include the 45 and 60 degree lines set out on page 118 of the Arun Design Guide.

Registration of planning applications

To improve the quality of the applications submitted to the council, we will be reviewing the local validation checklists regularly. Currently about 70% of applications are invalid on receipt. These take time to process and divert resources away from processing applications quickly.

Please note that all application documents will be checked prior to being uploaded to the website for any personally identifying data including signatures, phone numbers, email and postal addresses. Where such data is present in the document this is then blocked out using software. However, this software outputs in black & white which may then affect the appearance of your submission on the public website. Should you wish to preserve the original colours of documents then please ensure that such data is removed prior to submission.

From 1 September 2022, all information relating to an invalid application will need to be provided within 2 weeks of request unless otherwise agreed in writing. Where information is not submitted, the application will be returned and refunded, with a fee of £40.00 per application being retained to cover the costs of administering the return.

Photographs accompanying planning applications

During the covid lock-downs applicants and agents helpfully supplied photographs with their planning applications showing the sites and their surroundings. This proved to be extremely beneficial, enabling many applications to be processed more speedily than would otherwise have been possible. In view of this success, we will be continuing to ask applicants and agents to provide photographs, and so allow us to maintain the momentum. These photographs will aid determination and will rarely be a substitute for an officer site visit.

If submitting photographs, please try and exclude personal identification data such as car registrations and faces.

Community Consultation

The Planning Department do not carry out individual neighbour notifications. A site notice will be displayed for planning applications. Members of the public are encouraged to use the Council's automated Planning Finder service where they will be automatically notified of new planning applications within a defined search area.

www1.arun.gov.uk/planning-application-finder

We will publish comments made on our website for all live planning applications and take these into account in the determination of applications, **unless** the comments are offensive, racist, discriminatory, threatening, anonymous or marked private/confidential.