

# **Kirklees - The Place to Grow**

**A great place to live, work and invest**

**A Development Management Charter**

July 2015 –V1 Final

## Open and Friendly Planning

We know that our businesses want to grow and we understand that the district needs new homes to meet future demand.

We created the [Kirklees Economic Strategy](#) to support economic growth across the whole of Kirklees.

Homes, jobs, infrastructure and community facilities are all important factors in delivering sustainable growth for the area.

The Development Management service here in Kirklees is key to making sure that this happens in a planned and effective way.

We welcome open dialogue with developers to bring about swift and effective decisions on planning applications.

We also recognise the potential impact on communities and their need to be engaged.

## Positive about Development

This charter is our specific commitment to consult and engage on applications submitted to the local planning authority.

We will make sure the engagement is effective and meets legal requirements.

This charter sits alongside the Statement of Community Involvement. Which can be found at:

<http://www.kirklees.gov.uk/business/regeneration/ldf/communityinvolvement.aspx>

We will update the charter from time to time to reflect best practice and legal requirements.

This charter is in addition to our commitment to the **Leeds City Region Planning Charter for Major Investment Proposals**. This is appended to this document as Appendix 1. This commits us to balancing the needs of development with the needs of the

community. This means that consultation and engagement needs to be carefully considered.

## Pre-Application Discussions

Most planning applications benefit from specialist advice before they are submitted.

By talking to us sooner in the process these pre-application discussions provide greater certainty and clarity to an applicant by identifying planning issues and requirements at an early stage.

Pre-application engagement is an important part of the **Leeds City Region Planning Charter for Major Investment Proposals**.

In Kirklees we provide advice at three levels. These are:

- **On our Website:** Our website can be accessed [here](#). This is where you will find a suite of general advice notes, information and guidance. For example our validation checklist, which can be accessed [here](#), is an important guide to applicants on the type of information that is required when submitting an application.
- **Duty planner:** You can make an appointment to see one of our planning officers – we operate a system of appointments which you can book in advance. Call Kirklees Direct on **01484 414746**.
- **Formal pre-application advice service:** This is ideal for larger applications – [click here](#). For a fee you can access senior planning officers, technical consultees and potentially brief Members of the planning committee on your proposal. This is an excellent way of getting more in depth advice on your application before you submit a formal application.

## Pre-Application Consultation

Pre-application consultation will usually be appropriate for schemes where:

- the proposals are likely to have a significant impact on the environment or on the local community; and/or
- the development is likely to attract significant local interest.

We will always encourage seeking pre-application advice and undertaking pre-application consultation for major and potentially controversial proposals.

Early in the pre-application discussions we will expect the applicant/agent to agree the extent and type of pre-application consultation with us to make sure that the consultation process proposed is suitable.

Where pre-application consultation is undertaken, applicants should prepare a report summarising the type of consultation carried out, the key issues raised and how the scheme addresses these issues.

This should then be submitted with the formal planning application.

### **Involving Elected Members**

It is important that ward members are effectively engaged in the pre-application process. They have a lot of local knowledge and engagement with them can be an effective tool in helping to deliver the right development in the right area.

Members of the planning committee can have an initial briefing on a development proposal in advance of a formal submission.

We see this as a valuable step in the whole process which can help to identify areas of concern at an early stage and will ultimately contribute to a timely and more efficient decision once an application is submitted.

### **Our Approach to Planning Obligations and Conditions**

The 'planning obligation' is often a key part of determining a planning application (also known as a section 106 agreement).

This is a legal agreement between the owners/developers of the application site and the Council. It usually deals with the provision of new or improved infrastructure or facilities in the local area. Conditions normally deal with how a development will be carried out

We will work with applicants to make sure the terms of an obligation are agreed at an early stage. Pre-application consultation will help this process.

Ward members can also give their views on the content of planning obligations. This is useful in situations where development viability is an issue.

It is important to the local community that these obligations are delivered. Our major sites monitoring programme will make sure key sites are closely monitored for timely delivery on any contributions or obligations.

### **Planning Performance Agreements (PPA)**

We aim for a collaborative approach to achieving development. To do this, we promote the use of Planning Performance Agreements (PPA) to secure this.

A PPA is a project plan or process map agreed by a developer and the Council at the outset of discussions on a scheme and which aims to make sure effective processing of the planning application.

It sets out the commitments of both parties in relation to:

- gathering information;
- considering options;
- formulating design proposals; and
- the scope of the planning obligations.

## The Planning Application Process

### Who makes decisions on planning applications?

The Council has to make decisions on applications. In 2014/15 we considered over 4000 applications. These included applications for development and changes of use as well as listed building applications, prior approvals and advertisement consents.

When making a decision we must take into account the development plan. The professional advice of planning officers sets out the planning issues to be assessed in the decision. We make a decision in one of two ways; either through our delegated powers or at one of our planning committees.

It is usually smaller proposals, particularly where no relevant planning objections have been received, which are decided by powers delegated by the Council to the Director of Economy, Skills and the Environment. Either way consultation arrangements are the same.

### How do you find out about planning applications?

We are required to publicise most planning applications. This gives people an opportunity to express their views on proposals. Minimum requirements for **how** people are notified of planning applications are set down in legislation and explained in the table below. We will use the methods set out in **Table 1** to notify the community about planning applications.

**TABLE 1 - METHODS OF NOTIFICATION**

Notification Method	Statutory Requirement?	Comment
Site Notice	Yes*	These are displayed in a public place at or near the application site. They contain details of the proposal, where plans can be viewed and contact details to obtain further information. One or more notices may be displayed depending on the size and location of the proposed development.
Letters	Yes*	Letters are sent to owners/occupiers of adjoining neighbouring properties which are touching a boundary to the application site.
Website	Yes	Kirklees' website contains details of all applications including copies of all associated documents and drawings. You can search by number of criteria, track the progress of applications and submit comments on line.
Website Email Alerts	No	Overtime we will develop this facility
Weekly List of Applications	No	A copy of the list of applications we have received in a particular week is published on the website.
Press Notice	Yes	A notice is placed every week in a local newspaper for the following types of application and development: <ul style="list-style-type: none"> <li>• Major applications</li> <li>• Listed building consent</li> <li>• Affecting a Conservation Area</li> <li>• Affecting a setting of a listed building</li> <li>• Where an Environment Statement is submitted</li> <li>• Departures from a development plan</li> <li>• Affecting a Public Right of way</li> </ul>

\*The requirement is for either a site notice or letter in most cases

## How do we notify the community on planning applications?

In deciding how and who to notify on a planning application we will use the criteria set out in **Table 2**.

We will not notify on the following types of applications for which there is no statutory requirement to do so:

- certificates of lawfulness of proposed use or development;
- internal alterations only to a Grade II listed building;
- advertisements;
- approval of details reserved by conditions (except external works to any listed building)
- revisions to planning applications once valid; and
- 'non-material' amendments.

There is no statutory requirement to notify local civic and amenity societies and residents' associations but we recognise that they are interested in applications in their area and are a continuing source of advice on planning and other applications.

In order that these groups are made aware of planning applications, we will promote the use of the search facility on the website and, in the future, an email alert facility.

The **standards and methods** we use to notify people about different types of planning application are set out in **Table 2**.

## How we will use comments and give feedback

All comments and feedback received on all applications are summarised in the officer (or committee) report on the application and are considered before a decision is made.

We normally have to wait 21 days from the consultation start date for responses to be received before we can make a decision on most planning applications.

Comments and feedback (representations) always need to be made in writing, whether via email or letter.

For the planning officer to take comments into account when considering an application the comments must relate directly to the actual application (known as 'material considerations'). There is advice and guidance about making your views known on planning applications on our website.

We will acknowledge receipt all written comments received via email where we are requested to do so. We will acknowledge receipt of written comments received via post when accompanied by a stamped addressed envelope.

If an application is to be decided at a committee, details will be provided regarding the date, time and location of the meeting on the Council's website.

The guidance note on public speaking at planning committees that sets out the relevant arrangements and procedures can be viewed on the Council's website [click here](#).

In accordance with the requirements of 'Openness of Local Government Bodies Regulations 2014', all committees are web cast and can be viewed online.

Once a decision has been made on a planning application, the decision will be available to view on the planning website under the application details.

We will try to notify everyone who has made written comments of the decision made. This will be either by email, letter or press advertisement.

## Further Information and Contacts

1. **Kirklees Website:** [www.kirklees.gov.uk](http://www.kirklees.gov.uk)
2. **Kirklees Direct: Telephone** 01484 414746
3. **Kirklees Development Management email:** [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)
4. **Panning Portal:** [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

**TABLE 2 – NOTIFICATION STANDARDS FOR PLANNING APPLICATIONS**

Development Type	Site Notice	Letters*	Advert	Website	Notes
Subject to Environment Statement	Yes	Yes	Yes	Yes	DMPO Art 15 para. 2 app – see Reg 16 of SI 11/1824
Departure from Development Plan	Yes	Yes	Yes	Yes	DMPO Art 15 para. 2 app
Affecting Public Right of Way	Yes	Yes	Yes	Yes	DMPO Art 15 para. 2 app
Major Development **	Yes	Yes	Yes	Yes	Includes all minerals & waste development apart from that set out above.
Minor Development	Yes	Yes	No	Yes	
Householder Application	Yes	Yes	No	Yes	
Affecting the Setting of a Listed Building	Yes	Yes	Yes	Yes	Reg 5A LB & CA Regs 1990
Affecting the character or appearance of a conservation area	Yes	Yes	Yes	Yes	Reg 5A LB & CA Regs 1990
Listed Building Consent ***	Yes	No	Yes	Yes	Reg 5A LB & CA Regs 1990
Variation or removal of conditions attached to a previous approval	Notify in the same way to the original application				
Telecommunications prior approval	Yes	No	Yes****	Yes	T&CP GPDO Sch2, part 16
Modification or discharge of Section 106 Agreement	Yes	Yes	Yes	Yes	Reg 5 S.I 1992/2832
Neighbour Consultation scheme for larger rear extensions (presently until 30 <sup>th</sup> May 2019)	No	Yes	No	Yes	T&CP GPDO Sch2, part 1 Class A.1 (g)
Reserved matters submissions	Same as Outline			No statutory requirement	
Applications for Certificates of lawfulness for existing use/development	Yes	No	No	Yes	No statutory requirement

<b>Development requiring 'prior approval' not in any of the categories above</b>	Yes	No	No	Yes	T&CP GPDO Sch2, Part 3 Classes C, J, M, N, O, P, Q, R, S, T, , Part 4 Class E, Part 7 Class C
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#### NOTES

\* - The definition of adjoining owner/occupier means any owner or occupier of land contiguous (touching the boundary) with the land to which the application relates.

\*\* - Major development is defined as any one or more of the following:

1. the winning and working of minerals or the use of land for the mineral working deposits;
2. waste development;
3. the number of dwelling-houses where –
  - a. the number of dwelling-houses to be provided is 10 or more; or
  - b. the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within paragraph (c)(i);
4. the provision of a building or buildings where the floor space to be created by the development is 1000m<sup>2</sup> or more;
5. development carried out on a site having an area of 1 hectare or more.

\*\*\* This includes approval of details and variation of conditions involving extensions or alterations to the external appearance of a listed building and internal alterations only to Grade 1 and 2\* buildings

\*\*\*\* A press advert will be published in the following circumstances:

- Departures
- Affecting a PROW
- Site area of more than 1 hectare

# **APPENDIX 1**

## **Leeds City Region Planning Charter for Major Investment Proposals 2012**

**The Leeds City Region Local Enterprise Partnership has developed a charter which sets out how the Local Planning Authorities and Developers will work together to ensure that proposals major new investments will be dealt with in an efficient and effective way throughout the city region. The Charter represents the first step towards creating a seamless service for investors wherever they choose to locate in the city region.**

## **Definitions**

What is a major investment proposal?

- They are of major strategic significance in terms of one or more of the following; job growth, investment value and regeneration. Clearly the scale of this will be different in different parts of the city region, for instance the scale of proposal that is strategically significant in Bradford or Harrogate would be different. Each authority will set out which applications will be subject to the Charter
- Or are proposals that are eligible for large scale, time limited, public funds.

## The Charter Pledge

Charter Pledge sets out clearly what the developer can expect from the Local Authority and vice versa.

## **Local Authorities will:**

- Work together to ensure and maintain a comprehensive and up to date Development Plan framework. This will:
  - Enable the delivery of the priorities in the LEP Plan;
  - Provide certainty over development opportunities;
  - and help inform investment decisions.
- The Local Authority will nominate a project co-ordinator to lead the process in conjunction with the Developer. The Local Authority nominee will:
  - Agree with the Developer a timetable and milestones for the application to deliver a decision in the shortest period of time practicable;
  - Set out requirements for consultation (internal and external) and work with the Developer to ensure appropriate pre application public consultation takes place;
  - Set out the Local Authority's aspirations for any legal agreement and land transactions;
  - Maintain a regular dialogue with the developer and ensure changes required by either the local authority or the Developer are made promptly.
- Work in partnership with customers and stakeholders to bring forward successful applications that deliver high quality sustainable development.
- Work with customers to understand their business needs and development proposals to ensure that everyone involved understands scheme viability and deliverability.

- Undertake regular reviews, led by the Local Authorities, of the service we deliver in conjunction with customers giving all involved opportunity to shape future delivery.

**Developers will:**

- Agree a Project Plan, including key stages and milestones, which take into account the need for discussion and review to take place, keeping the Council informed of progress at all key stages.
- Undertake an urban design analysis to inform the evolution of the scheme and the subsequent development of the design and access statement
- Engage in meaningful pre application discussions, with adequate time allowed for the preparation of essential information and assessment proposals, including appropriate community consultation
- Respond within the agreed timescales to requests for further information and/or revisions
- Attend project meetings with relevant persons
- Submit a complete planning application with appropriate supporting information as agreed with the Council, including a draft legal agreement where appropriate.

The Local Enterprise Partnership Board will receive regular reports on the performance of the agreement and will review it as required.