



Appendix 1

TOWER HAMLETS

Statement of Community Involvement – Attachment C

(Please note this version of the SCI has not been desk top published to enable readers to clearly identify the text that has been amended.)

Attachment C

Consultation on planning applications and other related applications

1.0 Introduction

- Legislation

1.1 Critical definitions and time periods

- Neighbouring Land
- Buildings Divided Horizontally
- Occupiers of Application Property
- Major Development
- Time Periods for Consultation/Publicity

1.2 Statutory and non-statutory publicity

- Applications Affecting the Character and Appearance of Conservation Areas (including Applications for Conservation area Consent)
- Listed Building Consent Applications
- Consultation associated with 'Significant Development'
- Other Development
- Outline Applications
- Approval of Details (including facing materials etc.) required by condition
- Tree Applications
- Advertisement Consent
- Certificates of Lawfulness
- Removal or alteration of conditions on existing consents
- Prior Approval for telecommunications

To reflect changes to order of sections

1.3 Statutory and non-statutory consultations (external)

1.4 Internal consultation requirements

1.5 Request for observations from adjoining boroughs

1.6 What we can take into account

1.7 Consulting on amendments

1.0 Introduction

This attachment is a general guide on the way in which the Council (as a local planning authority) will notify the public throughout the assessment of a planning application. The requirements we have set out are minimum standards and there will always remain the scope for further consultation if considered necessary by the Development Management Service.

Statutory consultation requirements are set out in Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2010. The purpose of this advice is:

- a) To ensure that all applications meet the minimum statutory requirements in respect of publicity and consultations, and
- b) To ensure consistency in the local planning authority's publicity and consultation arrangements from one application to another.

From time to time it will be necessary to carry out greater publicity/consultation than specified here (eg cases of major public interest and/or having an impact over a wide area).

In order to avoid any delay in the determination of applications, we aim to send out consultation letters within 5 working days of the application becoming valid.

Legislation

Aspects of Circular 15/92 are as follows

- a) Any written communication to neighbouring land should be addressed to 'the owner or occupier';
- b) Site notices can be particularly effective where there is doubt about who are the interested parties, perhaps because the ownership of land is uncertain; or because the siting or design of development is likely to be of interest to more than immediate neighbours;
- c) Site notices should be displayed on or near the site and should be visible and legible to anyone passing without the need to enter the site to be read. A large site, one bounded by several roads and footpaths, or with more than one frontage, will normally require more than one site notice;
- d) Authorities must of course notify applicants of their decisions, but apart from notifying owners and agricultural tenants who have made representations on any planning application affecting their land, there is no statutory requirement for authorities to notify decisions individually to third parties. However, the Government considers that planning authorities should decide, in the light of representations made, whether, and by what means, publicity for decisions is warranted. They may take the view that it is only courteous to do so. In reaching this decision however, the costs involved will need to be taken into account.

1.1 Critical definitions and time periods

Neighbouring Land

At present, there is no definition in England of what constitutes neighbouring land. However,

To reflect changes to the Town and Country Planning Act

the Annex to Circular 15/92 does give a definition, and our adopted procedure for neighbour consultation is based on this definition:

We define 'Neighbouring Land' as land which is:

- adjacent a common boundary with the application site;

However, should the nearest part of any neighbouring land described above be over 90 metres from all of the development in question, then it is excluded from the above definition of neighbouring land and will not be consulted.

The consequence of this definition is that, for example, in a typical residential street, neighbouring land always means properties in front and to the rear, as well as those alongside.

Buildings Divided Horizontally

Where either the application or neighbouring land contains a building divided horizontally in terms of occupation (such as flats or office suites) then, for consultation purposes, a broader definition of neighbouring land than that given above is adopted.

Where the application property comprises converted or purpose-built residential flats or is otherwise divided horizontally in terms of occupation (including wholly or partly commercial accommodation and/or shops), then in addition to the main definition, neighbouring land shall be taken to mean:

- all premises sharing a common street entrance with the application property; and
- regardless of whether or not they share a common entrance, all properties on the same floor as the application premises adjacent to the boundary of the application premises and all accommodation which is above or below such neighbouring property and/or the application premises. This will include ground and basement floors even if having their own independent entrance(s).

Where any building on neighbouring land is divided horizontally in terms of occupation (including commercial accommodation and/or shops), then every part of that building will be treated as being neighbouring land. For example, if sending neighbour letters, then each individual occupation should receive its own letter.

Note: Where, the application circumstances would ordinarily result in sending a large number of letters (i.e. 10 or over) to a single block of flats, even though the proposed development is minor having little impact on its neighbours, it will be permissible to place site notices by the application property and by the entrance to the neighbouring block, instead of individual consultation letters.

Occupiers of Application Property

In every instance, when the applicant's address is not the same as the application property, or in cases where there are units of occupation in addition to that of the applicant, a consultation letter shall be sent to the occupier(s) of the application property.

Major Development

All the following constitute Major development:

To clarify definition

- a) The erection of 10 or more dwellings, or if the number of dwellings is not known, where the site area is 0.5 hectares or more;
- b) In other cases, where the floorspace to be created is 1,000 square metres or more, or if the site area is 1 hectare or more;
- c) The winning and working of minerals or the use of land for mineral working deposits;
- d) All waste developments, meaning any development designed to be used wholly or mainly for the purpose of treating, storing, processing or disposing of refuse or waste materials.

Time Periods for Consultation/Publicity

The statutory minimum period for publicity is not less than 21 days from the date of the site and press notices and notification letters and not less than 14 days from the date of advertisements in local newspapers. It is Council policy normally to allow only these minimum periods, but also to accept comments afterwards if the application has not yet been determined.

It is important to note that any public representations received prior to a decision being issued must be taken into account, even if received after the statutory publicity period has expired. In the instance of committee cases, any representations received after 12 pm (noon) on the day of the committee meeting will not be taken into account.

1.2 Statutory and non-statutory publicity

Applications Affecting the Character and Appearance of Conservation Areas (including applications for Conservation Area Consent)

In all such cases, publicity arrangements will take place in the following manner, in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

- a) Display of a site notice and advertisement of the application in a local newspaper (i.e. 'East End Life')
- b) Neighbour consultation (the extent of consultation much depending upon the scale and potential impact of the development). Detail of those cases where more extensive consultation may be required is outlined below (see section dealing with 'Significant Development').

Applications for Listed Building Consent and Applications affecting the setting of a Listed Building

In all such cases, publicity arrangements will take place in the following manner, in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

- a) Display of a site notice and advertisement of the application in a local newspaper (i.e. 'East End Life')
- b) Neighbour consultation (the extent of consultation much depending upon the scale and potential impact of the development). Detail of those cases where more extensive consultation may be required is outlined below (see section dealing with 'Significant Development').

Consultation associated with 'Significant Development'

The following applications shall always be advertised in the following manner

- Display of a site notice and advertisement of the application in a local newspaper (i.e.

Amended to reflect statutory requirements

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'East End Life')

- Neighbour consultation (see * below)
- a) Major applications as defined in Article 8 of the Town and Country Planning (General Development Procedure) Order 1995
- b) Departures from the Development Plan
- c) Any affecting a public right of way or footpath/way (but excluding pavement crossovers, new/revised vehicular or pedestrian accesses)
- d) Development where the application is accompanied by an Environmental Impact Assessment
- e) Any affecting the setting of an ancient monument or archaeological site; we define these as sites that have already been investigated and are definitely known to contain important remains; it would not normally apply if a site is merely identified as being within a zone where the archaeological section of English Heritage have requested notification
- f) Any applications considered that, at the discretion of the local planning authority, would have significant social, environmental, amenity, political or economic impacts.

*In these circumstances and for the purposes of neighbour notification letters, the definition of neighbouring land shall be taken as being within 20 metres of the boundary (as a minimum requirement) and not the usual 'neighbouring land' definition, as detailed in Section 1.1 above.

Other Development

A planning application which is not Major Development as defined in Article 8 of the Town and Country Planning (General Development Procedure) Order 1995 shall be considered 'Other Development'. However, if an application for such development falls within any of the other 'Significant Development' categories listed above, then publicity shall be carried out as per the 'Significant Development' category and the following consultation arrangements do not apply.

Amended to simplify terminology used

The publicity arrangements for all other applications are as follows:

- a) an application will not normally be advertised in the local press (unless the application site falls within a conservation area, the property is a listed building or the proposed development is considered to affect the setting of a listed building);
- b) an application will not normally be publicised by a site notice (unless the application site falls within a conservation area, the property is a listed building or the proposed development is considered to affect the setting of a listed building);
- c) neighbour letters will be sent to neighbouring occupiers in accordance with the definition of 'Neighbouring Land' as defined in 1.1 above.

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Outline Applications

Consultation arrangements in respect of applications for outline planning permission will be no different than procedure associated with applications for full planning permission and will take into account the significance and scale of development and/or whether the application

Amended to reflect statutory

site is included within a conservation area or involves works to a listed building or affects the setting of a listed building.

requirements

As regards applications for approval of reserved matters pursuant to a grant of outline planning permission, the following details will apply

Reserved matters are those matters reserved by outline applications for subsequent approval and fall within the following categories:

- a) Access;
- b) Appearance;
- c) Landscaping;
- d) Layout;
- e) Scale – as defined as height, width and length (upper and lower limits) of each building within the development in relation to its surroundings.

To reflect changes to the Town and Country Planning Act

All 'Reserved Matter' applications should be subject to the same publicity as undertaken in respect of the outline planning application.

All other matters reserved by conditions are not 'reserved matters'. There is no such thing as a 'reserved matter' on a full planning permission; only approval of details.

Approval of Details (including facing materials etc.) required by a planning condition imposed by the local planning authority

For the approval of details (including facing materials etc.) required by condition, it will not normally be appropriate to send neighbouring consultation letters or display a site notice/press advertisement. Consultation will only take place in exceptional circumstances, as deemed necessary by the Council.

Tree Applications

Applications proposing the removal of trees or works to trees (either protected by Tree Preservation Orders or included within conservation areas) will be advertised only by way of a site notice, displayed immediately outside the application property/site. Other forms of consultation (especially individual neighbour notification) will only take place in exceptional circumstances, as deemed necessary by the Council.

Amended to reflect statutory requirements

Anyone can apply to carry out works to trees and where an application is submitted by a neighbour of the site where the tree works are proposed, the Council will make sure that the owner or occupier of the land on which the tree stands is informed and given a chance to comment.

Advertisement Consent

Applications for advertisement consent shall be publicised as follows:

- a) on shop fronts or business premises - send consultation letters to premises above and below, plus those either side on all levels; if a road lies to one side, it is not necessary to consult the property on the other side of the road;
- b) forming part of a bus shelter or free-standing - consult by a site notice plus letters to any identifiable neighbouring property likely to be affected e.g. normally consult adjoining residents, but only use a site notice if adjoining a high boundary wall;

- c) advertisement hoardings on flank walls and boundaries - neighbour consultation will normally take the form of a site notice only. However if the advertisement would have a major impact on the area or neighbouring properties (e.g. a large illuminated advertisement hoarding which could adversely affect the amenities of neighbouring residential properties) then in addition, consultation letters should be sent to neighbouring land.

Note: If the advertisement(s) is on a listed building, lies within a conservation area, or affects the setting of a listed building or adjacent conservation area, then the application must be advertised in the local newspaper and by site notice.

Certificates of Lawfulness

As these are judged by legal criteria, rather than planning criteria, it is not normally appropriate to send neighbour letters.

Removal or alteration of conditions on existing consents (including minor material amendments)

If the application relates to an aspect that was the subject of objections in respect of the original application, or concerns a condition imposed in the interests of protecting neighbours from nuisance (e.g. hours during which a use may be carried on) then the extent of publicity/consultation will be dependent upon the issues raised by the proposed variation/removal of condition or the extent of the proposed minor material amendment.

Amended to reflect statutory requirements

In the case of a proposed amendment or variation that the local planning authority considers might either affect a listed building or the character and appearance of a conservation area, such applications will be publicised by way of a site notice and a local press advertisement (East End Life).

The starting point in determining the extent of consultation in such cases will be the level of publicity undertaken in respect of the parent application (the subject of the proposed variation of condition and/or minor material amendment). Depending on the scale of the proposed amendments and the nature of the planning condition to be varied/removed, the Council will determine, at its discretion, whether it would be appropriate to adopt a more limited restrictive consultation approach in such circumstances. In such cases however, it will consult in accordance with statutory requirements (as an absolute minimum).

The Council will also notify anyone who objected to the original scheme.

Prior Approval for Telecommunications

Prior approval for telecommunication applications must be determined within 56 days otherwise the application is deemed as approved. Given the time constraints for telecommunications applications only one period of consultation and publicity will be carried out. Publicity will be carried out by neighbour consultation letters, site notice and local press notice.

1.3 Statutory and non-statutory consultations (external)

The local planning authority will consult all statutory consultees and relevant bodies in accordance with statutory requirements.

Tenants and Residents Associations and other area based organisations

Where such area based organisations have registered their area of interest with the Development Management Service, they should be consulted on all major applications within their territory. This requirement is in addition to normal neighbour consultation requirements.

Local Societies and Amenity Groups and other issues based organisations

Issues based organisations that have registered with the Development Management Services should be consulted on planning applications which meet their specific interest. Each organisation should consult with the Development Management Service so that the service can formulate criteria on which applications they wish to be consulted upon.

London Fire and Emergency Planning Authority (LFEPA)

Consult on all Significant Development as defined in paragraph 1.2.

Police Borough Crime Prevention Design Advisor

Consult on all Significant Development as defined in paragraph 1.2.

Neighbouring Boroughs

Neighbouring boroughs should be consulted on applications having a significant impact on them. This may range from a significant visual impact of a new building adjoining the boundary to a significant traffic or economic impact even if further away (e.g. a retail park or leisure centre).

Where a proposal affects 'protected vistas', all the neighbouring boroughs along the safeguarded view (both directions) should be consulted.

All neighbouring land in adjoining boroughs must be consulted as normal, ignoring the borough boundaries in assessing neighbouring land to be consulted.

1.4 Internal consultation requirements

The following sections within the Council shall also be consulted as specified:

Communities and Culture - all arts, community and leisure proposals, including public open space, sports facilities, cinemas etc.

Access Officer - for applications with implications for access.

Street Cleansing - all applications proposing or needing new or revised refuse storage/collection arrangements, including all new residential units (new build and conversions).

Planning Delivery - all significant and complex applications for applications likely to affect the character and appearance of a conservation area, all listed building applications and all planning applications for 'Major Development' and other forms of development where design advice is a critical consideration

Education - all applications relating to schools (public and private); also consult as an occupier for development adjoining schools.

Amended to reflect changes to Council internal structures

Environmental Health - all planning applications proposing:

- new residential units (new build, conversions and H.M.O.s);
- food and drink uses (use classes A3 – A5) (new build and changes of use);
- cinemas, theatres and other places of entertainment;
- other environmentally sensitive development eg due to noise;
- development effecting air quality
- opening outside normal working hours, potential pollutants; and
- hazardous substances, decontamination of land.

Energy Efficiency - all application which fall into the 'Major Applications' category as defined in Article 16 of the Town and Country Planning (Development Management Procedure) Order 1995

Highways - all applications for planning permission proposing or needing

- vehicle parking/servicing;
- affecting pedestrian or vehicular accesses/ways or rights of way; and
- having traffic generation or management implications.

Housing - for all schemes having 'affordable housing' implications and/or proposing significant housing, consult the Housing Strategy Manager

Tree Officer - all tree applications (TPOs and CAs).

Plan Making - all departure applications, all GLA referable application and applications having significant policy implications.

Social Services - consult on all proposals catering for under 8 year olds, including children's nurseries and crèches, consult on all facilities for children aged 8 or over e.g. Private Children's Homes, consult on all planning applications for care homes, day nurseries, day centres etc. catering for adults, including the elderly, disabled etc.

1.5 Request for observations from adjoining boroughs

The onus is on the borough within which the property lies to carry out all statutory and neighbour publicity/consultations. Where the proposal would significantly affect the interests of another section of the Council (e.g. highways on traffic matters), Development Management will consult the relevant section within the Council prior to formally responding to the adjoining borough.

1.6 What we can take into account

We welcome any comments, whether in support of an application or objecting to it, although we can only take account of planning considerations.

Matters that may be taken into account include (these lists are not exhaustive):

Planning policies:

Central Government policies

- The London Plan;
- The Tower Hamlets Unitary Development Plan (UDP) 1998;

- Interim Planning Guidance (October 2007);
- The Core Strategy Development Plan Document (2010);
- Emerging Development Plan Documents (where relevant).

Changed to reflect new policy documents

Other material considerations:

- Loss of light or overshadowing;
- Overlooking or loss of privacy;
- Visual appearance (for example, design, appearance and materials);
- Layout and density of buildings;
- Traffic generation, highway safety or adequacy of parking;
- Noise, smells and disturbance resulting from use;
- Loss of trees;
- Effect on listed buildings or conservation areas.

Matters that cannot normally be taken into account include the following (the list is not exhaustive):

- matters controlled under building regulations or other non-planning laws (for example, structural stability, fire protection, control of pollution, statutory nuisances etc);
- private issues between neighbours (for example, land or boundary disputes, damage to property, private rights of way, covenants etc);
- loss of value of property (but the reason why it might affect the value could be material – see ‘Other material considerations’ above); and
- loss of a private view.

If you have no objection to an application, but wish to suggest restrictions that we should impose to control the appearance or future use of the development, please feel free to do so. For example, you might have views about the colour of the bricks or tiles in a new building or the opening hours of a restaurant.

1.7 Consulting on amendments

Sometimes applications are amended due to negotiations taking place during the course of the application by the planning case officer to overcome some problem or because of a change of mind by the applicant. Where it is decided to carry out consultation on amended plans, letters will normally be sent only to those who have previously made comments on the application.

Amended to reflect statutory requirements

The decision as to whether to consult at all on amended plans will be judged on the individual circumstances of each case (at the discretion of the local planning authority) and will be influenced by the nature and extent of the proposed amendments. Whilst significant amendments, especially those which raise new planning issues will be publicised, minor changes to plans that have no bearing on the range of planning considerations relevant to the case, will not normally be the subject of further consultation.

This judgement is made to prevent unnecessary delay in the processing of applications and to prevent the unjustified expense of re-publicising minor changes to a scheme.

Where publicity is considered appropriate for amended plans, those consulted will have 14 days rather than 21 to respond and make further observations as necessary. Site notices and press advertisements (where considered necessary by the local planning authority at its discretion) will be also be undertaken.