



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

DEVELOPMENT MANAGEMENT PROTOCOL

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DEVELOPMENT MANAGEMENT PROCESS

1.1 OBJECTIVES OF THE PROTOCOL

1.1.1 The production of a development control protocol has been and will continue to be one of the key actions in the Council's service plan. It is important that the objectives of the development management protocol fit into the delivery of the Council's ambitions and the objectives as set out in the Corporate Plan.

1.1.2 One of the core values of the Corporate Plan is to "Ensure that access to services is available to all.

1.1.3 Within that overall context the objectives of the protocol are:

- To ensure that the development management process is open and consistent.
- To ensure that Members, officers, applicants, agents and all other stakeholders are clear about their respective roles in the process.
- To ensure that the process accommodates community involvement in an open and accessible way
- To ensure that the optimum balance is reached between the quality of the decision reached and the time taken to reach it.

1.2 *Pre-Application Process*

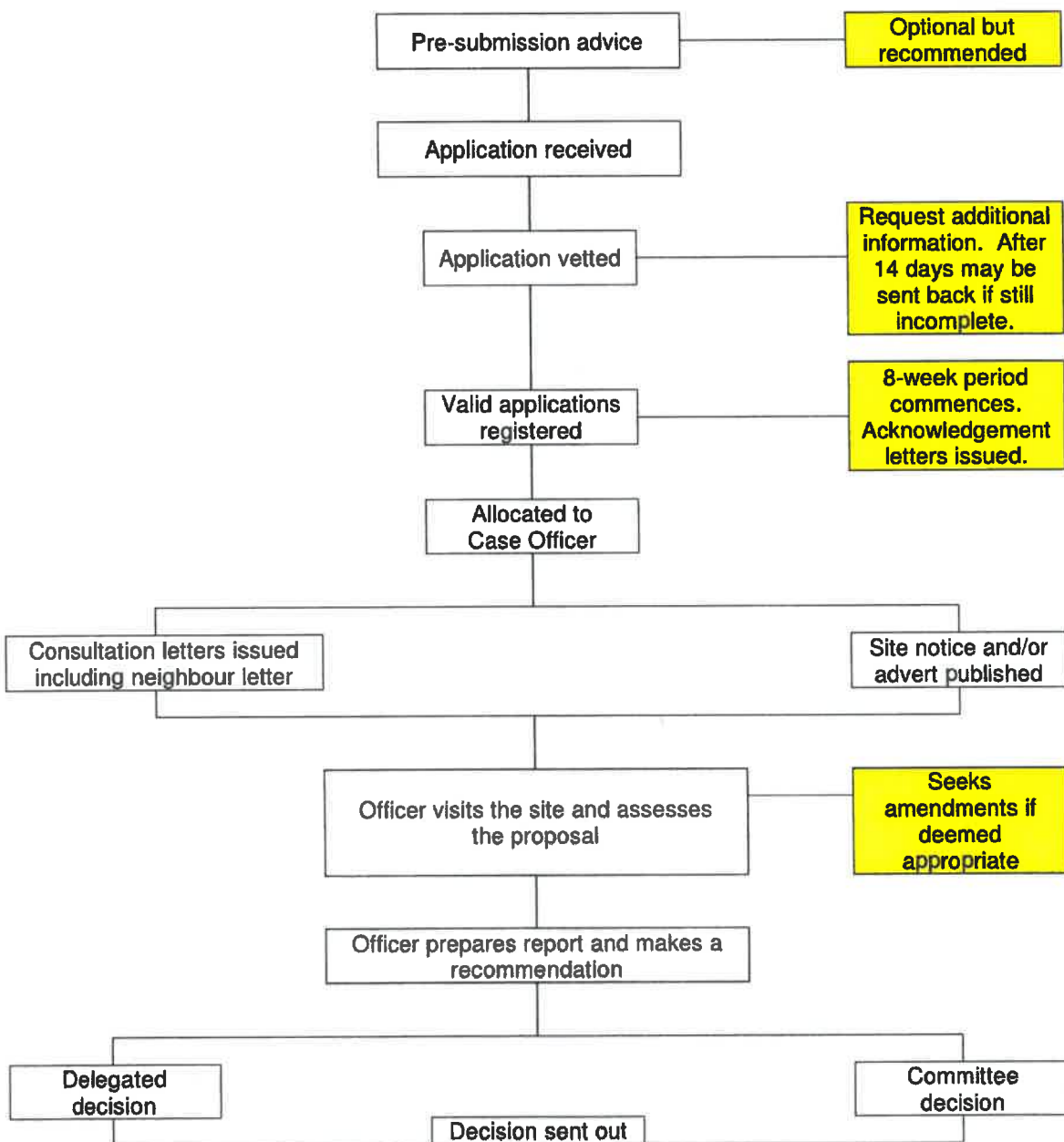
- 1.2.1 The key to making a speedy decision is getting it right first time. Discussing a development proposal before the submission of the planning application is often essential to achieving this. Pre-application discussions are encouraged and the Council operates a charging system with a dedicated part time pre application advice officer. The pre application process can sift out schemes which can be clearly unacceptable which save both time and money to all parties. The applicant should be advised that in situations when a planning application has been submitted without the use of the pre application service that the Council would be unlikely to engage in significant work to overcome problems and issues that may warrant a recommendation of refusal of any development proposal.
- 1.2.2 The Council is committed to this process and will endeavour to make the necessary arrangements. To allow the Council to offer the best advice possible the applicant should be clear about what they want to achieve and provide comprehensive details of any proposal, including sketch plans, working drawings and photographs of the site. The applicant is requested to complete the appropriate pre application form and pay the requisite fee at the time of requesting pre application advice.
- 1.2.3 There is some concern that pre application advice could be misinterpreted or prejudicial to an eventual decision. To minimise this concern the Council will:
- Record all pre-application advice in a retrievable format and send out a written response. These guidelines will apply:

- Any discussions do not commit the Council to make a particular decision and are an informal officer opinion and not binding to any final decision of the Council.
- In giving pre-application advice, officers will outline the procedure of a planning application including Committee involvement in the decision making process.

1.3 Submission of Application

1.3.1 The following flow chart gives an example of the normal process of a planning application and identifies some of the main stages from concept to decision.

Application Flow Chart - Key Stages



1.4 *Contents of Applications*

1.4.1 It is important that all applications contain relevant documents so that they can be validated as soon as possible. As well as the statutory requirements the agent/applicant is required to include the following additional information on certain, if not all, applications:

CD's containing all documents and plans on all applications other than Householder schemes and prior notification applications.

Structural survey on all proposals involving conversions of agricultural buildings.

Blue edge the extent of the entire site ownership on all agricultural developments.

Dimensioned drawing with all elevations annotated.

Accurate description of the proposal eg extension should read single storey rear extension if that is what it is.

Accurate site address including postcode.

In cases of proposals for Certificate of Lawfulness for an Existing Use the applicant is asked to give as much additional information as possible. Depending on the nature of the proposal this may include historic factual evidence, sworn affidavits.

Design Statements.

Protected Species survey.

Employment Statistics.

Travel plans and Transport assessments.

Plans of Existing Elevations.

On proposals in sensitive locations or ones that would have an impact on neighbouring buildings or the open countryside, plans showing its relationship to the surrounding area.

Where developments are attached to neighbouring properties such as semi detached or terraced dwellings it is also useful to include the relevant elevation of the adjoining property.

- 1.4.2 A high quality submission with as much detail as possible will often assist the Council and its consultees in making a quicker decision as it may avoid the need for protracted correspondence that could hinder the speed of any formal decision.

1.5 Processing the Application

- 1.5.1 In cases where applications are incomplete they will not be formally registered but recorded as an invalid. The applicant will be advised accordingly and contacted by either phone, email or letter requesting the additional information. It is aimed to contact the applicant by the next working day.

- 1.5.2 If an apparently valid application is later found to be invalid following registration, the original start date for processing the application should be disregarded. On invalid applications:

Officers will continue to request additional information or amendment if necessary to enable the application to be processed. If the application remains invalid after 3 months the documents will be returned the fee will also be refunded in due course.

- 1.5.3 Once the basic registration has been completed, the application will be passed on to the case officer, at this time an acknowledgement will be sent out naming the case officer

and list of committee dates and all other relevant information. The case officer will be responsible for evaluating the application and preparing the necessary recommendation.

The site of each application will be visited at least once by the case officer and where a second opinion is necessary the Head of Planning Services or a senior officer will also visit.

- 1.5.4 Such visits normally occur without an appointment but if it is necessary such as for security reasons, appointments can be made.

If this is an essential requirement the applicant or agent is asked to highlight this on the application covering letter.

- 1.5.5 The purpose of a visit is to allow the case officer to view with the site and assess the situation. In some instances it may be necessary to view the site from other vantage points. In the case of applications determined by Planning and Development Committee Members will usually make their own visits unless there is an organised visit with officers in attendance.

- 1.5.6 Applicants, objectors and others should contact the case officer for advice regarding details or progress about the application. As a rule officers will not contact the applicants or objectors about progress.

- 1.5.7 When applications are submitted by agents they will normally be the sole point of contact for the case officer or administrative assistant.

The agent is requested to advise the applicant that they are the contact point for the Council and that they should not contact the Council regarding their proposal.

- 1.5.8 If this system is operated it will enable more officer time to be spent on the processing of applications and other such work and prevent the duplication of information requests. Often 3 or more people will ask for the same information about an application thereby hindering the officer and delaying completion of the process.

1.6 Consultation Process

- 1.6.1 The Council as Local Planning Authority is aware of the need to keep people informed about development proposals within the Borough. Certain proposals such as listed buildings, development in conservation areas, and applications termed as “major developments” require a formal statutory notice to be placed in the press and a site notice. However in the terms of the extent of neighbour notification, there is local discretion. A statutory minimum period of 21 days must be allowed for a response.

1.7 Neighbour Notification

- 1.7.1 The Council typically consults adjoining or potentially affected householders in the case of minor or straight-forward extensions but widening the notification as the scale of the proposal increases. Site notices will also be placed when legally required, and in some instances the Council will place notices on ones which may be deemed to be of interest to the wider area. Examples of such notices may be for a hot food takeaway or employment uses in residential areas.

1.7.2 One of the most common causes of complaints about the Council's planning services is an alleged failure to notify someone of a planning application. The Council will try to make sure everyone who may wish to comment is personally notified but this is not always feasible and it is also recognised that letters can go astray.

1.7.3 It is not possible to consult everyone who may have an opinion and therefore judgement is used by the case officer to determine how wide direct consultation should be. However, details of all planning applications received are published on the Council's website www.ribblevalley.gov.uk/planning and most applications are picked up by the local press. All written representations, whether or not received as a result of direct consultation are taken into account before a recommendation or decision is reached.

The Council will continue to accept all written comments until the decision has been made, irrespective of whether or not the statutory consultation period has elapsed.

When an application is to be determined at Planning and Development Committee correspondence received on the day of the meeting may not always be accepted but where possible this will be reported verbally.

1.7.4 Any responses from an objector/supporter of a scheme will not be acknowledged and correspondence would not normally be entered into regarding the substance of a letter.

The Council will continue to accept anonymous objections.

It should be noted that objections and supporting letters are public documents and available for inspection upon receipt.

1.7.5 The fact that objections have been received does not necessarily mean any scheme will be resisted. The case officer will consider the validity of the objections in all instances and assess the proposal according to all relevant planning considerations. Many consultees feel frustrated that their objections are overruled but this does not mean the Council has ignored them. It is simply the case that the Council has assessed their comments but considered the scheme acceptable having regard to other considerations. Sometimes issues are raised that fall outside planning considerations such as:

- the work has already started;
- devaluation of property;
- loss of a view.
- He is a local man and a valued member of the community.

1.7.6 In certain instances, applicants and objectors have the opportunity to speak at Committee and to explain their views to members.

1.8 Applications to be determined by Lancashire County Council

1.8.1 When Ribble Valley are consulted by Lancashire County Council on planning applications that are to be determined by the County the responsibility of neighbour notification is with the County. In these circumstances the County is requested to forward a list of neighbours consulted to the Council and, advise the consultee to contact the local council to enquire about the council's public participation procedure and asked to forward all correspondence received as a result of the neighbour notification exercise to the council.

1.9 Statutory and Other Consultees

1.9.1 Depending on the complexity and nature of the application the Council may consult with other agencies. These include the Environment Agency, English Heritage and the Highways Authority. While in all cases the comments received are considered carefully, the formal decision or recommendation is based on a balanced assessment of all of the relevant factors from a planning perspective. In some situations there may be insufficient justification on planning grounds to support the recommendations of the statutory consultees. Conditions are often imposed to accommodate the views of the statutory consultees.

The Council will give 21 days for the statutory consultees to respond but where they consider their response to be critical they will normally wait for a formal response.

1.9.2 If the statutory consultee is unable they are to advise the Council accordingly.

1.9.3 In some situations it is possible to give a verbal response to an application to offer a quicker response. In these circumstances:

The Council will accept an initial verbal response followed by a formal written response or e-mail.

If deemed appropriate the Council will forward a consultation response direct to the applicant/agent.

1.9.4 In some situations reports may be prepared prior to the expiry of consultation dates. In these cases no decisions will be issued until the expiry of such date and if there are any late observations, these will be reported verbally. In cases when reports have been prepared prior to the consultation expiry date an addendum report summarising correspondence up and to the consultation expiry date may be circulated to Councillors prior to any relevant Committee meeting. Each case will be considered by the case officer on its individual merits as to whether or not such a report is necessary. -

1.10 Parish and Town Council

1.10.1 In view of the need to inform the Parish and Town councils of planning applications within their boundary as quickly as possible the Council will send out details of the applications with links to the relevant plans and documents as soon as possible after submission of the planning application. The weekly list of all planning applications submitted within the borough will be available on the Council's website www.ribblevalley.gov.uk/planning. This will enable them to comment on any developments that may be adjacent to their boundary.

The Council will normally send out consultation letters within 3- 5 days of receipt of a valid application.

The Council will notify adjacent Parishes of major developments close to their boundary.

When a Parish Council has objected to a proposal which is to be determined by Planning and Development Committee the Council will advise them of the date it is to be determined by Committee.

The Council may send out plans to Parish Councils upon request but will not send them out as normal practice with the application. If it considers that the application is of such significance that the sending out of plans would significantly benefit the decision making process and service, plans or a CD will also be sent out, an example of this might be major housing proposals which may generate significant public interest.

1.11 Negotiation and Amendments

1.11.1 The Council is aware of the balance between quality of decision and speed and as such remains focused in securing amendments schemes to make an unacceptable proposal acceptable. However, it is often the case that some schemes are so far off the mark that it is appropriate to refuse applications without further discussion. In such cases, it is often appropriate to discuss the possibility of a resubmission which will not normally attract a fee.

When a proposal can be made acceptable by amendments to submitted plans the Council will require the necessary alterations to be submitted within a specified timescale, normally 10 days.

If the applicant is unable to meet the timescale specified, it is advisable to notify the Council and either withdraw the application or expect a refusal based on the original submission.

The applicant/agent is requested to be realistic and have regard to policies in the Plan in their initial proposals rather than expecting the Council to negotiate.

If any amendments are made the Council will not usually re-notify neighbours or Parish Council if there is a perceived improvement but will determine the applications having regard to the previously expressed concern. However, due consideration will be given to the effect of changes in any subsequent report.

In order to determine applications promptly there may be situations when reports have been prepared prior to the consultation period expiring. In such situations no formal decision will be issued until expiry of the consultation period.

1.12 Recommendations

1.12.1 When the Case Officer has completed the evaluation of the application a recommended decision is prepared. .

1.12.2 Once the report has been prepared, it is checked by the Head of Planning Services. This is part of the quality control mechanism built into the process to ensure a level consistency. At this stage recommendations may occasionally be overturned by the Head of Planning Services usually reflecting the fact that the proposal is finely balanced. All recommendations are based on the planning merits of the application.

1.13 Decision Making

1.13.1 In common with most local planning authorities Ribble Valley Borough Council make decisions on planning applications in one of two ways:

- Planning and Development Committee
- Delegation to Officers

1.13.2 The Government has a target to increase the amount of delegation to Officers and currently the Council's existing delegation rate is about 93%. The current Delegation scheme can be inspected on the Council's website.

1.14 Planning and Development Committee

1.14.1 The Council's Planning and Development Committee meets approximately every 4 weeks.

1.14.2 A detailed report is prepared by the case officer for each planning application that is determined by the Planning and Development Committee. These planning application reports follow a standard format and provide a detailed issue by issue evaluation of each proposal. Reference is made to the planning history and a list of relevant planning policies. Consultation reports and letters of support/objection are summarised. On each report the case officer recommends a decision to Committee.

1.14.3 The reports are designed to be as comprehensive as possible without being long winded. All correspondence is available in the public file for any member or to inspect and any late items are reported verbally. Senior Officers attend Committee to give further advice if this is required.

1.14.4 Public participation is also available subject to certain criteria. If it is your intention to speak and wish to circulate documents you are asked to forward the documents in advance of the meeting so Members are aware of the information and also to assist the smooth running of the meeting. The Council from time to time reviews its Public Participation procedure and may up date and alter the procedure. It is always best to contact the Committee Clerk should you wish to speak at Committee to check if the arrangements and obtain the current guidance.

1.14.5 In the majority of cases the Committee decisions follow the Officer recommendation. From time to time however, Committee will weigh up the planning merits of a particular proposal and come to a different conclusion or require additional conditions. The Committee do have to give specific planning reasons for any decisions taken. When a decision is made by the Committee to overturn an officer recommendation it may be necessary to defer a decision and for the application to go back to a subsequent meeting with a revised report.

1.15 Delegation to Officers

1.15.1 In recognition of the fact that the majority of applications are relatively straight forward, Committee has delegated power to delegate determination of some applications to the Director of Community Services.

1.15.2 Although the scheme of delegation process avoids the need for the preparation of detailed Committee reports, each application is dealt with thoroughly. A delegated file report is prepared with each application. This summarises the case and explains the

recommendations. The application files are open to the public and all relevant information is recorded

1.16 Issue of Decision Notice

1.16.1 A planning permission does not legally come into force until the applicant receives the formal decision notice. The Council endeavours to despatch decision notices as soon as possible.

On delegated items decisions will normally be despatched within 24 hours of the date of the decision and sent out as second-class post.

On Committee items decisions will normally be despatched within 48 hours following the date of the Meeting.

If an agent has been appointed all decision notices will go to the agent unless the applicant has specifically required otherwise.

The Council will send out the decision notices and not send out any accompanying documents or plans with the decision notice.

1.17 Appeals

1.17.1 All decisions can be challenged by applicants by way of appeal. Appeals are formally made to the Planning Inspectorate or the appropriate Office who will appoint an

independent Inspector to deal with the matter. Depending on the complexity or at the request of the applicant, the appeal could be dealt with by written representations, a hearing or a public inquiry. The Inspector considers the case of both parties and any third party representation and visits the site before making the decision. Either side may challenge the decision in the high court providing there are sufficient grounds on a point of law or in the case of judicial review the reason must be an irregularity in the process or in how the decision was arrived at.

1.17.2 The council will publish copies of the grounds of appeal as well as the statement of case submitted by the appellant and the Council on the website. This and the eventual appeal decision will be attached to the relevant web page relating to the planning application the subject of the appeal.

1.18 Policy on Minor Amendments

1.18.1 The Council will not normally give advice on minor amendments other than through the formal process of determining planning applications for Non material amendments or minor material amendment applications.

1.19 Retrospective Planning Applications

1.19.1 A person or persons responsible for a breach of planning control has the right to seek to regularise the matter through the submission of an application for retrospective planning permission.

The Council will not encourage such applications in respect of serious breaches of planning control where the granting of retrospective permission is considered to be unlikely.

Enforcement action will **not** be held in abeyance pending the outcome of the application in situations where there is a serious breach of control. However, it may be the case that prosecutions have to be adjourned in certain circumstances pending the result of such applications.

In the case of less serious breaches of control, formal enforcement action may be held in abeyance pending the outcome of a retrospective application, but, if the application is refused then formal action will be taken in all cases and if an appeal has been lodged the Council will in most cases continue to take the appropriate enforcement action.

1.20 Review of the Service

1.20.1 The Council recognises the need for continued improvement and therefore the receipt of information from its service users is valuable. It is therefore committed to improving the service and adding value to the development control service. To assist with this it will continue to seek to improve the service and have regard to suggested improvements that come forward from contact with agents and members of the public

1.21 Appendix - Validation Checklist - Superseded - 27/6/19

