

Transforming Planning in Practice – Development Management Working Group

2 December 2019 – Summary of discussion

Pre-Application Notices and transitionals

Consensus:

- There should be a firm date for absolute clarity of the position.
- Should seek to avoid situation where different processes apply to developments depending on when PAN is submitted
- For existing PANs –set a date for regulations coming into force and allow 18 months from that date for applications to be made where PAN submitted prior to regs coming into force. 'Use it or lose it'

Other comments/queries:

Suggestion that there were 'umpteen' PANs in the system that have not been followed (so far)

PANs with different status (in relation to regulations and the time after PAN in which an application can be made) would mean uncertainty for community, planning authority

Counter comments that;

- PANs only undertaken where someone is wanting to develop and in fact issue is that they want to get going ASAP –is 12 weeks really necessary where development in line with local plan etc.
- Length of time PAN has been in system not really meaningful, the more meaningful matter is when an application can be made
- Are PAN outcomes still relevant to the application if there has been long intervening period

Very low risk to developer in undertaking a PAN – on the grounds that the PAN is not part of application so is not in itself a risk to application.

Clarification of whether a PAN could be used for more than one application would be helpful, with reference to withdrawn or refused applications.

Does name on PAN have to match with name on application? Unclear but consensus that it shouldn't need to be. Issue of use of agents to submit PAN/ Application

When should PAN/PAC not be required?

Consensus that should not be required for section 42 applications except where the s42 application was to extend the time period for development to commence.

Strong suggestion that PAN/PAC less relevant for developments other than housing – may not be required for some developments such as warehousing/storage.
Absolute agreement that it should always be required for housing developments.

Other than that no particular situations agreed, some discussion around whether should be required if application withdrawn and resubmitted or if refused and new application submitted (both within the 18 month period). Might need to be a matter of fact and degree based on the similarity of the various applications. Some use of the term 'minor material variation'

What should pre-application report contain?

No clear agreement, suggestions included:

- How has proposal changed
- What advice from key agencies, what done in response to said advice
- Don't set barriers too high, one size doesn't fit all
- Maybe different requirements for allocated sites and unallocated sites, reference to local plan
- More of a 'you said, we did' approach

Wide ranging discussion including:

- Flaw with PAC process is that there is no engagement required with the planning authority (other than submitting the PAN) or with key agencies
- Notification requirements need re-thought, newspapers outdated method of communication (general acceptance that political will not in favour of dropping newspaper notification)
- Other methods should be considered for notification particularly young people- some rather disparaging comments about community councils in regard to age and representativeness

Mandatory second public event

Opinion divided, suggestion that they could simply become 'mechanical exercise' of the developer showing what changed (didn't really get a clear understanding why that would be a bad thing)

Risk of community participation burnout –bearing in mind there is still the application comment stage to come

May be useful in managing community expectations – opportunity for applicant to explain why some feedback has or has not been acted on and the reasons why some things can or can't be done. This led on to some discussion about the process and the regulations assuming a certain degree of knowledge/familiarity with the planning system which communities generally do not have.

May be worth considering having mandatory second event for some, but not all, developments – for example mandatory second event in relation to housing development or for development not in accordance with the local plan

Value of mandatory second event (and to some extent even first event) queried in relation to PPIp. Point made that public could be asked to consider on basis of very little detail, potentially only a red line on a map.

Duration of planning permission

Return to setting this as a condition generally welcomed.

Some slight confusion (hopefully I was able to clarify) around the application of default deemed conditions

Planning Authority Declining to Consider Similar Applications

Guidance should make clear that PAs should not decline to consider an application if:

- Planning Policy (local or national) had changed since previous application (e.g. HNDAs assessment of housing need)
- Changes to the proposal had been made to try to address the reason(s) it had been refused in the first place

But consensus that application should be declined if there was no change in circumstances and no material change to the application

Some questions about how many cases we are talking about and would be helpful to have some information on this next time we discuss it with people?

General consensus was that it would be easier to define in guidance when an application was not similar – and therefore shouldn't be declined.