

## NOTIFICATION OF PLANNING APPLICATIONS

Planning  
Quadrant  
The Silverlink North  
Cobalt Business Park  
North Tyneside  
NE27 0BY



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**CAPITA**

### Introduction

The Council are keen for people to express their views on planning applications. This guide explains how the Council publicises planning applications, and the procedure for notification of neighbours and owners of adjoining land so that they can comment on development proposals.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the requirements for the publicity of planning applications. Consultation is undertaken in accordance with this legislation. The Council has also published a Statement of Community Involvement (SCI) which sets out how the local community and others will be involved in the consideration of planning applications.

### How are applications publicised?

All planning applications are publicised by site or press notice or by notifying adjoining owners or occupiers directly by neighbour notification letter. We also publish applications and their details on the Council's web site (a link to the website is at the end of this guide).

Neighbour notification is the more appropriate method where interested parties are limited to those living in the immediate vicinity. The term "adjoining owner or occupier" is defined as any owner or occupier of any land adjoining or opposite (in appropriate circumstances) the land to which the application relates.

Whether or not an owner/occupier is notified formally, anyone may make comment on an application.

We may display site notices instead of or as well as neighbour notification when:

- There is no obvious occupier on adjoining land
- There are few immediate neighbours to the site
- Small scale developments are within or adjacent to a large block of flats or in commercial or industrial areas with large numbers of properties on the boundary of the application site, and the extent of neighbour notification would be disproportionate to the scale of the development
- Other local circumstances indicate that a site notice would be more effective

When notifying neighbours directly, the Council sends letters to properties immediately adjoining the application site. Generally this includes properties

separated by a road or footpath. However, for householder applications, properties opposite the application site are notified only where an application proposes an alteration, extension or new building to that side of the dwelling which the properties face (e.g. the properties opposite the front of an application site will be consulted if the application proposes a front or side extension, but not in the case of a rear extension).

When considering whether a property is 'opposite' an application site, a line is drawn from either side of the application site boundary to the land opposite and the properties that fall within those lines are notified.

### **How do we decide when to use site or press notices?**

Further discretionary site notices may be carried out for applications likely to generate wider interest, including proposals:

- that may affect nearby properties by causing noise, smell, vibration, dust or other nuisance
- that are likely to introduce significant change to the character of an area, for example large structures
- on a significant scale likely to attract additional crowds or traffic

Major development proposals are also publicised by placing an advertisement in a local newspaper and by displaying a site notice. Major development refers to the following:

- erection of housing development of 10 or more dwellings or housing development on a site of 0.5 hectares or more
- erection of other development creating 1000 square metres or more floorspace or other development on a site of 1 hectare or more
- mineral working or waste development

We also place a notice in a local newspaper and display a site notice for the following:

- applications which are accompanied by an environmental statement
- applications which do not accord with the development plan
- applications which would affect a public right of way
- development affecting the setting of a listed building
- development affecting the character or appearance of a conservation area
- applications for listed building consent - Grade I, II\* (all works) and grade II (external works)

### **Council Website**

The Council's Public Access system contains details of all current planning applications. You can search for and comment on any current application. It is possible to search for applications according to a variety of criteria such as address

or postcode, application reference number or map. Weekly and monthly lists of applications received and decided are also available.

When an application is still being considered it is possible to view documents associated with that application such as forms, plans, reports and some comments submitted by the public and statutory consultees and make comments on applications. To comply with Data Protection Requirements, once a decision has been made some documents are no longer available to view on line but can still be viewed at the Council's offices.

If you register on the Council's Public Access system you can request notification of applications. There are also features that allow users to track applications as they progress through the determination process.

### **Making representations**

When submitting a representation you need to state your name and full address including postcode. Anonymous comments or those without a full address will not be logged or taken into account when determining planning applications.

Your comments cannot be kept confidential. Any comments you make will be scanned and made publicly available to view on our website. Personal signatures, email addresses and telephone numbers will be removed. Correspondence will be held permanently by the Council to ensure there is a clear record of all the matters which were considered when a planning decision was made.

We do not acknowledge representations, however you can view your comments on the Public Access website whilst the application is still pending consideration.

The Council can only take into account issues which are relevant to planning. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission.

Comments about the application must be received by the deadline stated in the letter, site notice or press advertisement. Once the deadline has passed, we can make a decision on the application. If you don't meet the deadline it could mean your comments can't be considered because a decision has already been made.

### **Notification on resubmission of applications**

When an application is received for a site which has had previous applications, we will not necessarily re-consult the occupiers previously notified or those who made representations. The re-consultation will be undertaken in accordance with this protocol.

### **Retrospective applications**

When an application has been received for works that were subject to enforcement investigation, complainant(s) will not be automatically notified. A decision will be

made on a case by case basis as to whether it is appropriate for the Authority to consult any complainant(s).

### **Notification on revisions to plans during the course of an application**

There is no statutory requirement to publicise or re-consult on amendments to a current application, but Government advice set out on the National Planning Practice Guidance website (NPPG) is that in deciding whether further publicity/consultation is desirable, local planning authorities should take into account the following considerations:

- (a) Were objections or reservations raised at an earlier stage substantial and, in the view of the local authority, enough to justify further publicity?
- (b) Are the proposed changes significant?
- (c) Did earlier views cover the issues raised by the proposed changes?
- (d) Are the issues raised by the proposed changes likely to be of concern to parties not previously notified?

Therefore further neighbour notifications will only take place where the changes are significant. Depending on the changes proposed, any re-notification may be restricted to those directly affected by the changes or those who have commented previously on matters affected by the amendment. Press notices will not be repeated. Re-notification will usually comprise a minimum 14 day consultation period. Details of the amendments will be updated on the Planning website.

### **Lawful Development Certificates**

We will not undertake any publicity for Certificate of Proposed Lawful Development applications.

### **Advertisement Applications**

The protocol set out in this document will be applied to advertisement consent applications.

### **Discharge of Condition Applications (except reserved matters applications)**

No publicity for these applications will be undertaken as they are applications for the approval of minor details for applications already benefiting from planning permission.

### **Householder Permitted Development Prior Approval Procedure**

When a determination is being made as to whether prior approval is required for an extension to the rear of a dwelling under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, the Council will send letters to properties immediately adjoining the application site. Only comments from those properties notified can be taken into account on householder prior approval applications.

**Requests to be Notified**

The Council has no control over when applications are submitted for any specific sites and as such we do not hold lists of people who have indicated that they would like to be consulted on an application when it is submitted.

**Website links:**

North Tyneside Council website:

<https://my.northtyneside.gov.uk/category/915/planning>

Public Access:

<https://my.northtyneside.gov.uk/category/1079/search-planning-applications>

Planning Guidance:

<https://my.northtyneside.gov.uk/category/1074/planning-guidance>

Statement of Community Involvement:

<https://my.northtyneside.gov.uk/category/1149/planning-policy-timetable-and-consultation-guidance>