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**Report of Director of City Development**

**Report to Executive Board**

**Date: 12 October 2011**

**Subject: PLANNING APPLICATIONS HIGHWAYS ISSUES (WHITE PAPER 16)**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

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**Summary of main issues**

1. This report responds to the Council Resolution of 6<sup>th</sup> April 2011 which stated:  
  
“This Council requests the Executive Board to instruct the Council’s Highways Department to ensure that consultation with ward members takes place with regard to Planning Applications’ highways matters before the Highways Department passes formal comment to Planning Officers. This will ensure that ward members’ and residents’ views on highways issues are properly reflected in Planning Department reports.”
2. A previous report was provided to the July Executive Board but at the request of the leader of the Conservative Group the report was withdrawn from the agenda, with a requirement for a further report to be submitted for consideration in due course. This report sets out the results of further consideration of this matter.

**Recommendations**

In response to the Council resolution of the 6 April 2011, to accept the revised proposal to:

- Supplement the existing public consultation on planning applications with the additional notification (by e-mail) for all Ward Members of those planning applications which have been sent to Highways and Transportation for a consultation response, giving them additional opportunity to raise any highways concerns they may have with the highways officer directly.

- At the end of a three month trial period a further report will be brought back to Executive Board for consideration.

## **1 Purpose of this report**

1.1 To respond to the Council resolution of 6<sup>th</sup> April 2011 that:

“This Council requests the Executive Board to instruct the Council’s Highways Department to ensure that consultation with ward members takes place with regard to Planning Applications’ highways matters before the Highways Department passes formal comment to Planning Officers. This will ensure that ward members’ and residents’ views on highways issues are properly reflected in Planning Department reports.”

1.2 To request that Executive Board agree a revised proposal to ensure ward members views on highway matters are taken into account before a planning application is determined.

## **2 Background information**

2.1 All planning applications are subject to a minimum of 21 days public consultation and are advertised on the council’s website on a weekly list of new applications. Ward members and members of the public are able to raise their views, concerns and objections on any matter relevant to planning (including highways) in relation to any planning application. They are also able to track consultation responses electronically.

2.2 These consultation responses, including ward member and residents’ views on highways (as with other issues) are all addressed in application reports, by the planning officer, before a planning decision is made on the application. The decision is made either by a delegated decision by the Chief Planning Officer or by a Plans Panel.

2.3 The highways officer’s response will be a detailed assessment based on technical information and relevant planning policy documents and guidance, such as planning policy guidance 13: transport (PPG13), planning policy statement 3: housing (PPS3) and the unitary development plan (UDP) taking into account local circumstances, including traffic levels, previous use, lawful use, parking, servicing, accessibility, etc. Inevitably there will be situations where the officer view may be at odds with residents or ward member’s views. This can occur where there is a known and/or perceived highway problem in an area but the view of the highways officer is that it will not be made any worse by the planning proposal in question. Also, any on or off site requirements or other financial contributions for highway works must not exceed what is

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Furthermore, additional planning conditions must in themselves be fair, reasonable, precise and enforceable.

- 2.4 The current information system used (CAPS) publishes all representations on a planning application on Public Access and the highways officer is able to review these comments prior to providing their consultation response to see if there are any highways matters raised that need taking into account.
- 2.5 Last financial year the highways development control team dealt with 1678 planning application consultations (approximately 39.2% of the total submitted). Officers are therefore mindful that duplicating consultation on this many planning applications could impose a significant additional burden on staff resources at a time of budgetary restraint with implications for the quality of advice provided. Any additional consultation therefore needs to add value to the process and ensure that we are making robust and sound planning decisions taking into account local circumstances.
- 2.6 The highways development control team is more than happy to discuss any concerns about an application directly with a ward member and to clarify what the material considerations are relating to the highways matters for any development. The Highways and Transportation Service will ensure that Members are provided with the necessary contact details.

### **3 Main issues**

- 3.1 Members have raised a concern that their views on highways matters are not being properly addressed in planning officer's reports on planning applications. To address this concern it has been requested that an additional consultation with ward members takes place with regard to Planning Applications' highways matters before the Highways and Transportation Service passes formal comment to Planning Officers.
- 3.2 Very careful consideration has been given to this request since it is essential for officers to be aware of the concerns of members and residents when responding to planning applications. However, an additional stage of consultation on planning applications has the potential to result in confusion as ward members will effectively be consulted twice on the same planning application. It could also lengthen the time taken for the highways officer to provide consultation responses to the planning authority which has the potential to slow the determination process and possibly lead to additional appeals for non-determination to the detriment of development and regeneration in the city.
- 3.3 It is therefore suggested that the best way to ensure that ward members views on highways issues are properly considered by Highways Officers, without over-burdening the planning process, is to inform members when highways officers are being consulted on planning applications within their ward. The proposal would entail an e-mail notification being sent automatically via the CAPS system to ward members to flag up that Highways and Transportation had been consulted on a planning application (at the same time). Highways officers would receive a 21 day formal consultation period. If ward members have any Highways and Transportation concerns about the planning application in question they would have the opportunity to raise them directly with the Highways Officer as soon as possible within that time

period. In this way members would be more aware of the timeframes involved and would be able to operate within the existing consultation timescales. Highways Officers would hold onto consultation responses for 10 days out of the 21 day period before responding to planning, giving members the time to raise any concerns directly, but leaving the Highways Officer sufficient time to respond within the set consultation period.

- 3.4 Due to the proposal in 3.3 being a change from the move towards full “self-service” in the planning system, it is considered appropriate to introduce these proposals for a three month trial period.
- 3.5 Members should note that they would also need to send any comments they wished to raise about an application to planning if they wanted it logging on public access as a formal comment on a planning application.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 This report has not been the subject of any external consultation.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 This report has no adverse impact on the Council’s Equality and Diversity or Cohesion and Integration strategies.

### **4.3 Council Policies and City Priorities**

### **4.4 Resources and Value for Money**

- 4.4.1 There are no financial or staff resources arising directly from this report

### **4.5 Legal Implications, Access to Information and Call In**

- 4.5.1 There are no legal implications raised by this report.

### **4.6 Risk Management**

- 4.6.1 Any additional delay in the process for determining planning applications increases the risk of applicants appealing planning applications on the basis of non-determination or as a result of unreasonable requirements. The proposal to notify members directly of all planning applications which Highways have been consulted on will prevent the Highways Officer from providing immediate responses, which will bring in a level of delay into the planning system. However it still affords the opportunity to respond within the set consultation period.
- 4.6.2 A three month trial period is proposed to monitor the impact of any delays or unforeseen consequences of the proposed change to the planning consultation process. A further report will be brought back to Executive Board following the three month trial period.

## **5 Conclusions**

- 5.1 After careful consideration of the request from Council, proposals have been considered for enhancing the effectiveness of the existing planning consultation process to ensure that ward members have further opportunity to comment on planning applications being considered for highways comments. These proposals form the basis for the recommendations being made to Executive Board in this report.

## **6 Recommendations**

- 6.1 In response to the Council resolution of the 6 April 2011, Executive Board are requested to accept the revised proposal to:
- i) Supplement the existing public consultation on planning applications with the additional notification (by e-mail) for all Ward Members of those planning applications which have been sent to Highways and Transportation for a consultation response, giving them the additional opportunity to raise any highways concerns they may have with the highways officer directly.
  - ii) At the end of the three month trial period a further report will be brought back to Executive Board for consideration.

## **7 Background documents**

- 7.1 Council Resolution WP16 of 6 April 2011.
- 7.2 Executive Board Report of 27 July 2011.