



# Tunbridge Wells Borough Council

## Planning, Listed Building and other Applications

### Having Your Say

Register your details on the Council's website and set up an "area of search" to be notified of any applications on neighbouring properties, or within a particular road or area of the Borough by clicking here: <http://www.tunbridgewells.gov.uk/notify>

You will then be sent an email when a planning application is made on that property and will be able to "track" any application. You'll also be notified by email of any changes to the application.

## 1.0 Introduction

- 1.01 One of the roles of Tunbridge Wells Borough Council (TWBC) as the local planning authority (LPA) is to assess and determine applications and notifications submitted by people who would like to extend or construct new buildings, change the use of land or buildings, alter listed buildings, or put up adverts.
- 1.02 This document provides advice specifically about how TWBC involves members of the public, including businesses, in applications for such proposals.
- 1.03 The requirements for consultation on applications are set out in legislation. A summary of this, together with further details on these matters, are summarised here: <http://planningguidance.communities.gov.uk/blog/guidance/consultation-and-pre-decision-matters/>
- 1.04 When we receive an application we undertake a period of publicity during which comments on the proposal can be sent to the LPA. We welcome the views of members of the public whether they are in support of, or object to, a proposal, as they can bring new factors to our attention and add to the quality of the decision made, although we can only take account of planning matters.
- 1.05 Further advice on consultation at pre-application stage, and how TWBC undertakes consultation with other organisations (such as Parish and Town Councils, the Environment Agency, etc) is provided in the Council's Statement of Community Involvement, which is available here <http://www.tunbridgewells.gov.uk/residents/planning/planning-policy/statement-of-community-involvement>.
- 1.06 TWBC has been working hard to improve the efficiency with which applications are determined in order to provide the highest possible customer service, whilst maintaining peoples' ability to participate in planning decisions. This includes taking opportunities provided by digital technology.
- 1.07 Historically, until 31 March 2017, TWBC has publicised applications by both letters to adjoining properties (i.e. those sharing a boundary with an application site as indicated by the red line) and by putting up site notices (with certain applications also being advertised in the local newspaper in line with national legislation). From 01 April 2017 this has changed to site notices only (and local newspaper as required by legislation) for all except "larger household extension" notifications.
- 1.08 Improvements in digital technology in recent years allows anyone to register an interest in any site, road or defined area whereby you will be automatically informed by email of any applications submitted at those properties or in that location, and will be able to "track" any application and any changes made to that application.
- 1.09 All members of the public are highly recommended to register their interest, and to regularly review the registered email account. You can register by clicking here: <http://www.tunbridgewells.gov.uk/notify>.

## 2.0 How do we publicise an application?

2.01 From 01 April 2017 all applications have been publicised by site notice only (and local newspaper as required by legislation), except the “larger household extension” notification.

2.02 Once a valid application has been received one or more yellow site notices will be placed at the application site.

2.03 If additional information is submitted, or there are amendments made to an application which require fresh consultation, this is referred to as “re-consultation”. In these instances different coloured site notices will be put up in similar positions to the initial yellow site notice. Please be aware that if you have already commented on the application at this point, we will not write to you to inform you of the “re-consultation”. However, if you have registered your interest on the Council’s website and are “tracking” that application, then you will be advised of any amendments to plans or new information submitted.

2.04 These different site notices are shown in the table below:

Colour of Site Notice	Reason
Yellow	Valid application received
Blue	First “re-consultation”
Green	Second “re-consultation”
Pink	Third “re-consultation”
Orange	A planning appeal Hearing is to be held
Orange	A planning appeal Inquiry is to be held

2.05 Site notices will be placed to ensure they are visible to all properties which share a boundary with the application site. This means that:

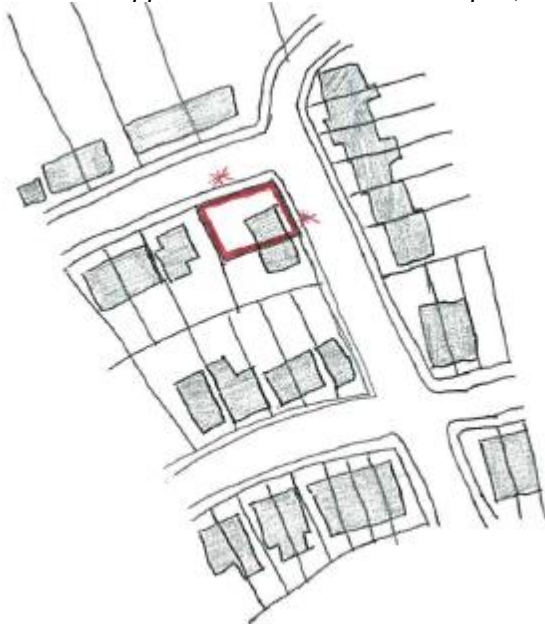
- a site notice will be always be placed in front of application site at the boundary with the public highway;
- for application sites where there are properties located on an adjacent parallel road which share a (rear) boundary with the application site, the site notice will also be placed on this parallel road;
- for application sites on the corner of two roads, the site notice will be placed on both roads.

2.06 This is demonstrated in the diagrams below. The red line indicates the extent of the application site, with the red star indicating where a site notice would be erected.

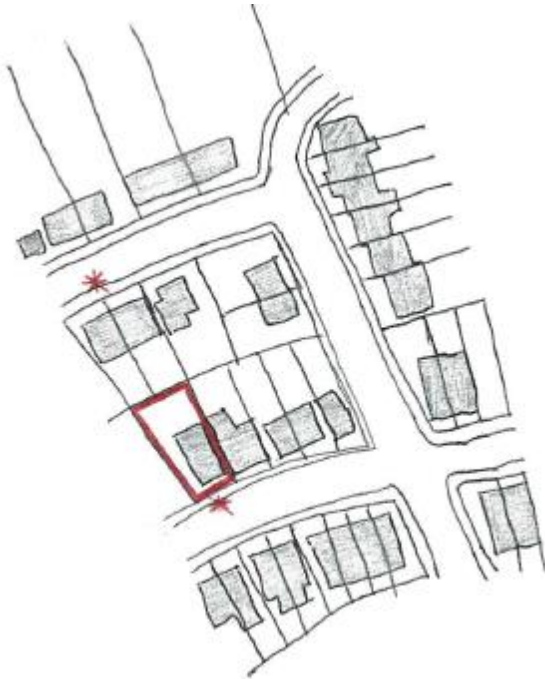
A) *Where an application site is only adjoined by properties to either side, and with properties to the front, one site notice will be placed at the site frontage.*



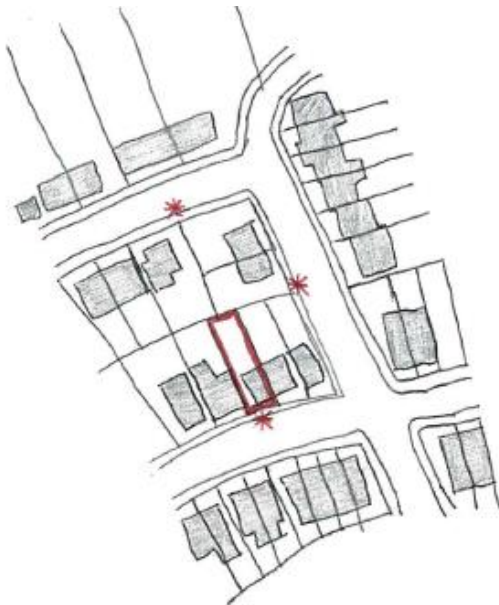
B) *Where an application site is on a corner plot, site notices will be placed on both frontages.*



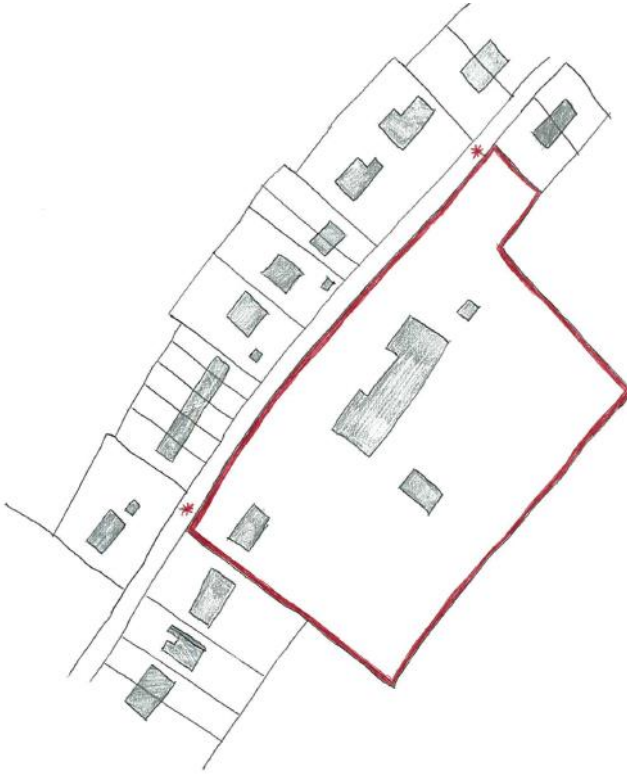
- C) Where there is a road which runs parallel to the road on which the application site is located, and there are properties to the rear of the application site, site notices will be placed on both roads.



- D) In this instance, as there are adjacent properties to the application site which are on the parallel road to the rear, and the road to the side, three site notices will be placed as shown in the diagram.



- E) For sites with particularly long frontages, it may be necessary to erect site notices towards either end of the frontage (although this will be dependant on the characteristics of the site)



- 2.07 Site notices will always be placed on the boundary of the application site (e.g. on a fence or railings), or in a prominent location such as a lamppost, road sign or tree. Occasionally it will be necessary to place a stake in the ground at the site, with the site notice fixed to this.

#### Planning Committee and Appeals

- 2.08 If you have submitted a comment on an application, and that application is to be determined by the Planning Committee (rather than under delegated powers – please see Section 6.0 below), then we will write to you five working days before the date of the Committee. This will not be publicised through the erection of a site notice.
- 2.09 If you have submitted a comment on an application, and an appeal is subsequently lodged against the Council’s decision on that application, then we will write to you advising of this and setting how your original comments will be treated, and how to provide further information on the appeal. Depending on the “method” of the appeal, these may in some instances also be publicised through the erection of an orange site notice.

### **3.0 Timescales**

- 3.01 The period during which you will be able to submit comments ahead of a decision being made is 21 days from the date that the site notice is placed at the site, or if an application must be advertised in a local newspaper, from the date of that advert (whichever is the latter). The application can be determined at any time after this date, although any comments will be taken into account that are received between the end of the 21 days period and:
- (for delegated decisions) the time that a delegated report is “signed off” by the Delegated Panel of senior officers;
  - (for Committee decisions) 10.00 on the day of the Planning Committee.
- 3.02 If “re-consultation” is undertaken (please see paragraph 2.03 above) this will be for 7, 14 or 21 days. Please note it is the discretion of the case officer to determine the re-consultation time period.
- 3.03 There are separate notification requirements for proposals that are allowed under permitted development rights (whereby planning permission is not needed). These are complex and are not covered in this guide, but summary details can be found here: <http://planningguidance.communities.gov.uk/blog/guidance/when-is-permission-required/what-are-permitted-development-rights/>
- 3.04 Legislation requires that letters are still sent to neighbouring properties for the “larger household extension” notification under Part 1 of Schedule 2 to the General Permitted Development Order 2015 (as amended), so these are the only types of application/notification where neighbour consultation will continue to be undertaken by letter.

#### **4.0 How do I find and “track” a planning application on the Council’s website, and how do I find out the**

4.01 As set out above, the easiest way to find and “track” a planning application on the Council’s website is to register your details and set up an “area of search” by clicking here: <http://www.tunbridgewells.gov.uk/notify> . This will notify you of any applications on neighbouring properties, or within a particular road or area of the Borough.

4.02 You will then be sent an email when a planning application is made on any properties in that area and will be able to “track” any application. You’ll also be notified by email of any changes to the application.

4.03 Please note that when you receive the first email:

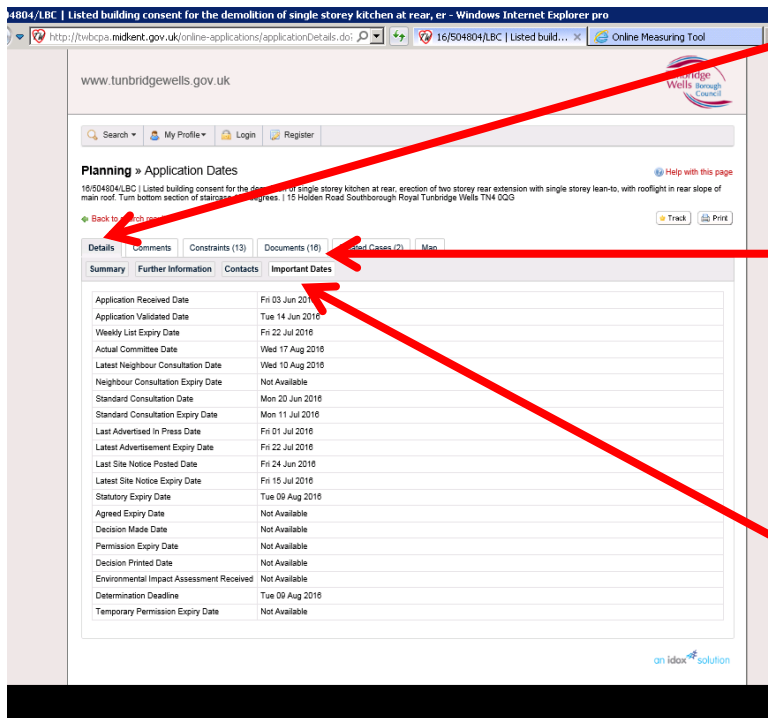
- it can take 24-48 hours for all the documentation to be available through the website (please see paragraph 4.06 below);
- On rare occasions it can take slightly longer (upto five days) for all the documentation to be available;
- If it is subsequently found that the application is invalid (does not have all the necessary information or fee provided), the application will not be available on the website. You will, however, be notified by email once it has become valid (has all the information and fee required).

4.04 If you are “tracking” this application, you will be advised of changes which are made to this. If not, please check this application again in 48 hours time. Please be assured that if the documentation is not available when you first receive the email we will ensure that no decision is made before the statutory timescales for consultation have passed.

4.05 You can also:

- search on our planning website <http://www.tunbridgewells.gov.uk/residents/planning/planning-application-search>
  - o You can search by application number or address;
  - o Under the “Details” then “Important Dates” tabs you will find all relevant dates etc;
  - o Details (including plans) about the application can be found under the “Documents” tab.



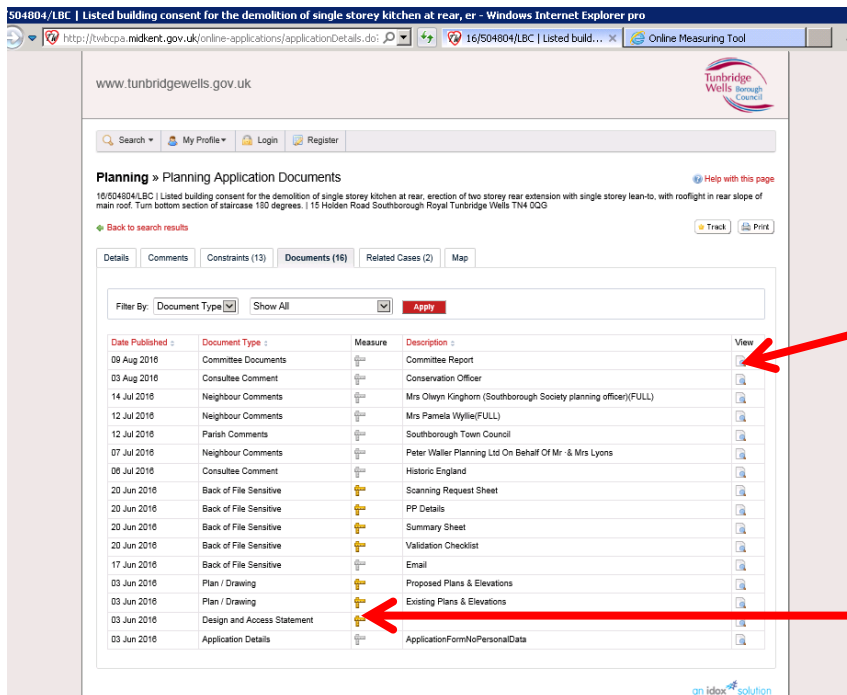


“Details” tab

“Documents” tab

“Important Dates” tab

4.06 Under this “Documents” tab it is possible to view the plans and supporting information submitted as part of the application (and any comments from consultees and members of the public) on the website by clicking on the “View Document” symbol (a page with a magnifying glass). It is possible to gain measurements from the plans by clicking on the “Measure Document” symbol (two rulers coloured yellow) and following the clear and simple guidance notes provided.



“View Document” symbol

“Measure Document” symbol

4.07 If you do not have access to a computer at home, then you can access the Council's website at the Gateway, 8 Grosvenor Road, in Tunbridge Wells. The Customer Service Assistants at the Gateway will be able to assist with you using the website, although cannot provide advice on the planning merits of the proposal.

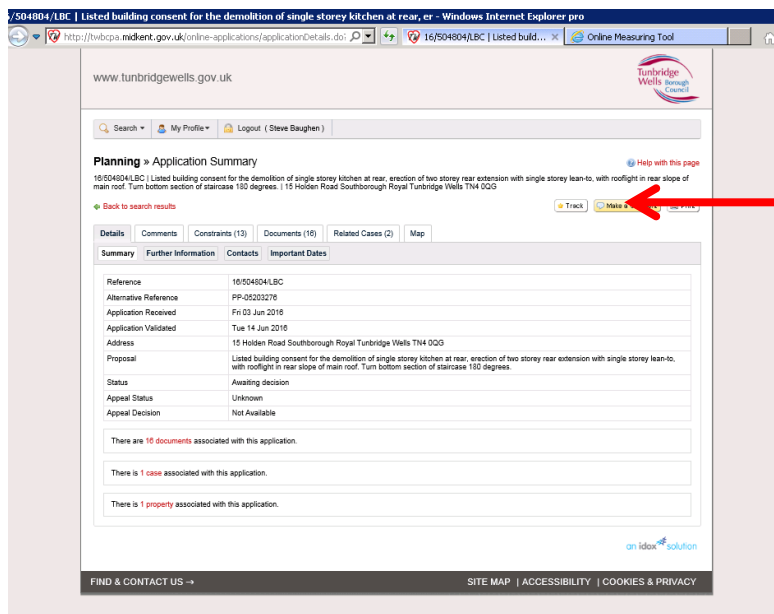
## 5.0 How do I object to, support or comment on an application?

5.01 Anyone can comment on an application – you do not need to live next to, or close to, the application site.

5.02 All comments must be made in writing – verbal comments cannot be accepted.

5.03 You can submit your comments:

- Online, by registering as a user of the site which will enable you to submit comments on current applications through the website (see below);
- By email to [planning@tunbridgewells.gov.uk](mailto:planning@tunbridgewells.gov.uk);
- In writing, addressed to the case officer at Planning Services, Town Wells Borough Council, Town Hall, Mount Pleasant Road, Royal Tunbridge Wells, Kent. TN1 1RS



Once you've registered, if you click here on the "Make a Comment" button then you can submit your comments through the website.

5.04 You should be advised that comments can take longer to appear on the Council's website if submitted by letter or email. If you send a comment by email or online through the Council's website, you do not need to send us a copy by post as all comments received carry the same weight.

5.05 If you submit a comment through the website you will receive an automatically generated acknowledgement. If your comment is submitted by any other means it will not be acknowledged.

5.06 Your comments must:

- be dated;
- provide your name and address:
  - o Anonymous comments, or comments where an abbreviated surname have been provided, will not usually be taken into account;

- Your address should be genuine. The Council does not have the resources to verify whether the authors of representations live at the stated address, but if we receive complaints that an author is alleged to have used a false address then this will be referred to in the relevant report and potentially the representation will not be taken into account. However, we will not remove the representation from the website.
  - state the application number and site address.
- 5.07 Comments that contain obviously personal, discriminatory (including racist, sexist, ageist, etc, language), defamatory, libellous (false or unfair statements that are likely to damage the reputation of a person or organisation), or derogatory material will be redacted (i.e. not published). Similarly swear words and the use of other obviously offensive terms will also be redacted. This also applies to photos that include images of people or any personal details. In extreme circumstances your comment will be returned to you and / or will be totally disregarded.
- 5.08 However, where it is not obvious that a comment or statement is derogatory, discriminatory, personal, defamatory or libellous there will sometimes be differences in opinion between individuals, parties and organisations as to whether comments/statements are such. In these instances it is not the role of Planning Services to make the decision whether a comment or statement is personal, discriminatory, defamatory, libellous, derogatory or offensive: therefore, if we receive a complaint that someone considers a comment or statement to be as such then that comment will be redacted. Interested parties will still be able to visit the Council's Gateway (address at para 4.07 above) and ask to view a paper copy of the original representation.
- 5.09 It is understood that search engines such as Google and Yahoo sometimes "cache" pages. In the event that a search engine has cached a representation as originally published, which has subsequently been redacted following a complaint, TWBC accepts no responsibility if the representation as originally published can be found through a search engine's cached pages.
- 5.10 If we receive complaints about comments or statements which have been made in relation to documents submitted by any party as part of an appeal, TWBC will follow any action taken by the Planning Inspectorate, which is the final arbiter of planning decisions in the country.

*What can you comment on?*

- 5.11 When assessing an application we have a legal duty to consider all material planning matters and relevant planning policies (including national policy, Local Plan policies and approved Supplementary Planning Document, Development Plan Documents etc.)
- 5.12 All comments we receive about a planning application will be noted, but only planning issues can be taken into account. These include:
- overshadowing;
  - loss of light or privacy;
  - visual appearance;

- traffic the proposal would generate and the impact on highway safety;
- noise, smells and disturbance resulting from use;
- loss of trees or other important landscape features;
- design, appearance and materials proposed to be used;
- the impact on listed buildings and on the character of a conservation area;
- layout and density of proposed buildings;
- flooding;
- wildlife.

5.13 Examples of matters we cannot normally take into account:

- matters controlled by Building Regulations or other non-planning laws such as structural stability, fire precautions and environmental protection/health;
- private rights and issues between neighbours, for example disputes over land ownership or boundaries, damage to property, private rights of way, covenants and private agreements;
- loss of value of a property;
- possible problems associated with the building work, for example, hours of work, noise, dust and construction vehicles (unless the proposal is for development of significant size such as 50 plus dwellings);
- loss of a view;
- private interests of objectors and competition between rival companies

*Will we publish your personal details?*

5.14 Any written comment you make about an application must, by law, be placed on the file (which we make available via the Council's website and include in any other form of the file held). This does not give permission for any re-use of the information, for any purpose. What this means is that:

- your comment including your name and address will form part of the planning application documents and will be available for public inspection on the website and any other form of application record (currently a paper file);
- we will not publish the following personal information: signatures, phone numbers, email addresses on the website. To help us, please do not include personal telephone numbers and use a printed signature. Please note that business contact details will normally be published;

- we also do not publish medical or commercially sensitive information – before submission please consider the need to supply this information as part of a comment;
- letters marked confidential (including in the text at the end of emails) will not normally be taken into account as they cannot be made publicly available;
- any comments received will be retained on the public file and will be kept publicly viewable during the appraisal period, after the decision has been made and thereafter;
- As only planning matters can be considered, please ensure that your comments do not contain any comments which may be considered to be derogatory, discriminatory, personal, defamatory, libellous or offensive.

5.15 Therefore it may be possible for your name and address to be identified through a search on internet browsers and search functions such as Google and Yahoo.

Exceptions

5.16 In exceptional circumstances we will consider keeping your name and/ or address confidential e.g. if a person is officially recorded as being the subject of harassment. If you feel your comment should be kept confidential please write a letter setting out your reasons and marked "confidential" to the Head of Planning who will make a judgement and advise you whether or not submission of a comment without the required personal details is possible.

What happens when you comment on an application?

5.17 Your comments will be:

- added to the file;
- reviewed by the case officer and included in the consideration of the application;
- made publicly available (subject to the provisos set out above);

5.18 To avoid confusion, please note that all comments submitted are viewable under the "Documents" and not the "Comments" tab on the planning website.

5.19 Due to the large number of responses received it is not possible to respond personally to matters/questions raised. Your comments will be summarised in the officer's report and any significant and relevant matters will be addressed in the appraisal.

## **6.0 How do we take account of your comments?**

- 6.01 Regard is had to comments made on material planning grounds (see above) in decisions on applications.
- 6.02 Decisions are made through one of two “routes”:
- most planning applications are decided by planning officers and these are known as delegated decisions;
  - some decisions are made by our Planning Committee which is made up of elected Council Members.
- 6.03 In both cases a report is prepared by the case officer which explains the application, gives a summary of the comments we have received and addresses any material planning matters and policies that apply.
- 6.04 As most planning decisions are about balancing different views, the case officer will take account of the arguments for and against a proposal, before reaching a recommendation. Please remember that the purpose of planning control is to protect the interests of the general public, not the private interests of an individual. For this reason, we cannot be drawn into private neighbour disputes and will not “take sides”.
- 6.05 If you have commented on an application and the decision is to be made by the Planning Committee we will notify you of the date, time and location of the meeting and provide details about your opportunity to speak at the meeting. Please note that no more than five working days notice of the meeting and arrangements can be given.

## **7.0 How can you find out about the decision on the application?**

- 7.01 The target date for making the decision on any application can be found on the website under the tab entitled “important dates” (please see Section 4.0). Please be aware that whilst we determine most applications within the initial target time, this date can in some instances be extended or exceeded.
- 7.02 As above the most efficient way to be notified is through registering your details on the Council’s website and setting up an “area of search” to be notified of any applications, and to then “track” those applications.
- 7.03 Other than when you register on the website, due to the number of applications we deal with, we will **not** notify you when the decision is made on an application. All decisions are supported by the case officer’s report and a decision notice, both of which will be displayed on the Council’s planning website under the “Documents” tab (please see above).

### What happens after a decision has been issued?

- 7.04 If planning permission is granted there will usually be a three year period for work to start on site or for the change of use to be implemented.
- 7.05 Many decisions will include planning conditions which can require the submission of further details or impose limitations. The conditions relating to the decision are set out on the decision notice which can be viewed on the Council’s website. When any additional information that is required by condition is submitted, the details will be available on the website but we will not carry out neighbour consultation unless there are specific grounds to do so. The outcome of decisions on applications relating to conditions will also be available on the website under the “Documents” tab.

### Changes to approved plans

- 7.06 Sometimes an applicant will request that minor changes be made to the approved plans and / or details. Whether we carry out publicity in such circumstances is dependent on the nature of the change. Details of requests made to change a scheme will be displayed on the Council’s planning website and once made the decision will also be viewable.

### **What happens if the decision is appealed?**

- 7.07 In the event that an appeal is made under the “written representation” procedure against a decision to refuse permission for householder, minor commercial or advertisement type applications, all comments received by the LPA before the decision was made will be forwarded to the Planning Inspectorate. If you submitted comments to us or your property adjoins the appeal site we will write to you to advise that an appeal has been submitted but there will be no opportunity to make further representations. You can find the application type under the “Details” then “Further Information” tabs.
- 7.08 For appeals for all other application types you are able to submit additional comments to the Planning Inspectorate (or if sent to the Council they will be forwarded to the Inspectorate). As part of the appeal process we are required to write to all those who submitted comments on the application and those adjoining the site, advising of the submission of the appeal, the process to be followed and the timetable for determination.



- 7.09 All details and information relating to appeals are made available on the website under the application number and can be found under the "Documents" tab.
- 7.10 Please refer to paragraph 5.10 above in relation to comments made in appeal documentation which may be considered to be derogatory, discriminatory, personal, defamatory, libellous or offensive.