



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL

Publicity Code of Practice

Publicity arrangements for planning applications, applications for listed building consent, the approval of reserved matters, certificates of lawfulness and prior approval applications

May 2017

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1. Introduction

1.1 The purpose of publicity is to inform the public about development which might affect them, so that their views are taken into account by the Council before any decision is taken.

1.2 This code of practice outlines the Council's publicity arrangements for “planning applications” and other related applications including listed building consent, reserved matters, certificates of lawfulness and prior notifications.

2. Statutory Publicity Requirements

2.1 This code of Practice will apply the statutory publicity requirements for planning applications set out in The Town & Country Planning (Development Management Procedure) (England) Order 2015. Separate requirements for listed buildings are set out in The Planning (Listed Buildings and Conservation Areas) Regulations 1990.

2.2 These requirements together with other forms of statutory publicity can be summarised as follows:

Type of Development	Form of Publicity	Provision
EIA application accompanied by an environmental statement	Press <i>and</i> site notice	Article 15 of the Development Management Procedure Order 2015
Development that is a departure from the development plan	Press <i>and</i> site notice	Article 15 of the Development Management Procedure Order 2015
Development affecting a public right of way	Press <i>and</i> site notice	Article 15 of the Development Management Procedure Order 2015
Major Development (see definition)	Press notice and either site notice or neighbour notification	Article 15 of the Development Management Procedure Order 2015
Minor Development (see definition)	Site notice <i>or</i> neighbour notification	Article 15 of the Development Management Procedure Order 2015
Planning Applications affecting the setting of a listed building	Press <i>and</i> site notice	S67 Planning (Listed Buildings and Conservation Areas) Act 1990
Planning Applications affecting the character or appearance of a conservation area	Press <i>and</i> site notice	S73 Planning (Listed Buildings and Conservation Areas) Act 1990
Listed Building Consent for works affecting the exterior of a listed building	Press <i>and</i> site notice	Regulation 5 of the Planning (Listed Buildings & Conservation Areas) Regulations 1990

Type of Development	Form of Publicity	Provision
Applications to vary or discharge conditions attached to a Listed Building Consent involving exterior works to a building	Press <i>and</i> site notice	Regulation 5 of the Planning (Listed Buildings & Conservation Areas) Regulations 1990
Permitted Development requiring Prior Approval – <i>House Extensions</i>	Neighbour notification	Part 1 Class A of the General Permitted Development Order 2015
Permitted Development requiring Prior Approval – <i>retail, betting office, payday loan shop or casino to restaurant & cafe</i>	Site Notice or Neighbour Notification	Part 3 Class C of the General Permitted Development Order 2015
Permitted Development requiring Prior Approval – <i>retail, betting office, payday loan shop or casino to assembly & leisure</i>	Site Notice or Neighbour Notification	Part 3 Class J of the General Permitted Development Order 2015
Permitted Development requiring Prior Approval – <i>retail, betting office, payday loan shop or casino to dwelling</i>	Site Notice or Neighbour Notification	Part 3 Class M of the General Permitted Development Order 2015
Permitted Development requiring Prior Approval – <i>amusement arcade or casino to dwelling</i>	Site Notice or Neighbour Notification	Part 3 Class N of the General Permitted Development Order 2015
Permitted Development requiring Prior Approval – <i>Office to residential use</i>	Site Notice or Neighbour Notification	Part 3 Class O of the General Permitted Development Order 2015
Permitted Development requiring Prior Approval – <i>storage & distribution to dwelling</i>	Site Notice or Neighbour Notification	Part 3 Class P of the General Permitted Development Order 2015
Permitted Development requiring Prior Approval – <i>agricultural buildings to dwelling</i>	Site Notice or Neighbour Notification	Part 3 Class Q of the General Permitted Development Order 2015
Permitted Development requiring Prior Approval – <i>agricultural buildings to commercial flexible uses</i>	Site Notice or Neighbour Notification	Part 3 Class R of the General Permitted Development Order 2015
Permitted Development requiring Prior Approval – <i>agricultural buildings to state funded schools or registered nursery</i>	Site Notice or Neighbour Notification	Part 3 Class S of the General Permitted Development Order 2015
Permitted Development requiring Prior Approval – <i>business, hotels to state funded schools or registered nursery</i>	Site Notice or Neighbour Notification	Part 3 Class T of the General Permitted Development Order 2015
Permitted Development requiring Prior Approval – <i>temporary use of buildings & land for film-making</i>	Site Notice or Neighbour Notification	Part 4 Class E of the General Permitted Development Order 2015
Permitted Development requiring Prior Approval – <i>Agricultural & Forestry</i>	Site notice posted by developer	Part 6 of the General Permitted Development Order 2015
Permitted Development requiring Prior Approval – <i>click & collect facilities</i>	Site Notice or Neighbour Notification	Part 7 Class C of the General Permitted Development Order 2015

continued

Type of Development	Form of Publicity	Provision
Permitted Development requiring Prior Approval – Demolition of unlisted building	Site notice posted by developer	Part 11 Class B of the General Permitted Development Order 2015
Permitted Development requiring Prior Approval – solar photovoltaics	Site Notice or Neighbour Notification	Part 14 Class J of the General Permitted Development Order 2015
Permitted Development requiring Prior Approval – Telecommunications	Site notice or neighbour notification	Part 16 Class A of the General Permitted Development Order 2015

2.3 The Council is required to take into account any representations which have been made in response to such publicity and is prohibited from determining the application before the end of 21 days, beginning with the date a site notice was first displayed or notice served, or 14 days from the date of a requisite newspaper notice.

3. Our Approach to Publicity

3.1 The Council will apply the statutory publicity requirements in order to ensure the most efficient, consistent and proportionate approach to the publicity of planning applications. On this basis the Council will undertake different forms of publicity depending upon whether the application relates to residential and commercial development or householder development. This approach is set out in more detail below and also applies to subsequent applications on the same site.

3.2 For other applications types such as listed building consent, advertisement consent and certificates of lawfulness the statutory requirements will be applied.

3.3 Details of current applications are also available to view on the Council's Online Planning system (Public Access) at: www.bradford.gov.uk/planning and click on "View Planning Applications". This includes a copy of the application form, plans, and supporting information. Applications are normally available to view within 24 hours of an application being validated.

3.4 If the application site is within an area where there is a Parish or Town Council they will be notified about the proposal via the Council's online planning system and/or Consultee Access on the Idox Uniform system.

Residential, Industrial and Commercial Applications

Site Notices

3.5 For residential, industrial and commercial planning applications our preference is to publicise applications by site notice. Site notices will also be used for prior notification applications where the form of publicity to be used is not prescribed.

3.6 Site notices are the most cost effective way of bringing development proposals to the attention of those residents who are most likely to be affected. In addition site notices also enable information about a proposed development to be passed directly or by word of mouth to a larger audience than might otherwise be possible.

3.7 We will post at least one notice on or adjacent to the application site in a position that is visible to the public. For more extensive developments which are bounded by several roads or have more than one frontage a number of notices will be posted around the site and along the access road where relevant.

3.8 In the case of development adjacent to flats, the notice will be placed in as prominent a position as possible and where relevant as close to a communal entrance(s) as practicable.

3.9 The site notice will contain the application's reference number, describe the proposal, state where the plans can be inspected, explain how to comment, and the timescale for response, which will be at least 21 days. The Council has provided guidance on its website about "*How to Comment on a Planning Application*". Where the site notice is required under statutory legislation, outlined in paragraph 2.2, the date for response will be the same as the date specified in the press notice.

3.10 If the notice is removed, obscured or defaced by a third party before the period of 21 days has elapsed the Council will be deemed to have complied with the provisions of the legislation if they have taken reasonable steps for the protection of the notice and, if need be, its replacement.

Press Notices

3.11 Whilst press notices satisfy a statutory duty they are not generally the most effective means of bringing proposals to the attention of those most likely to be affected. In addition they are the least cost effective method of publicity.

3.12 In view of the above we will only use press notices where there is a statutory requirement to do so or where the Responsible Officer considers that the proposed development is significant enough to be of interest to the wider community.

3.13 Where press notices are required they will be posted in one of the following local newspapers: The Telegraph & Argus, Keighley News and Ilkley Gazette. These newspapers are also available for free inspection in public libraries.

3.14 The advertisement will describe the proposal, where the plans can be inspected and the response time, normally 21 days.

Neighbour Notification Letters

3.15 Where relevant we will send neighbour notification letters to residential properties (excluding flats) to supplement site notices.

3.16 We will normally notify the owners/occupiers of residential properties adjoining the application site. Other residential properties will generally only be consulted where the Responsible Officer considers that they will be materially affected by a particular proposal e.g. those properties located immediately opposite the site on the other side of a road where the development could be clearly seen. In the case of developments adjoining to flats, a site notice will be posted as set out in paragraph 3.8.




3.17 It is the responsibility of the Responsible Officer to determine on a case by case basis, which nearby residential properties will be affected by a particular proposal.

3.18 Neighbour notification letters will contain an application's reference number, describe the proposal, state where the plans can be inspected, explain how to comment and the timescale for response, which is normally 21 days. The Council has provided guidance on its website about "How to Comment on a Planning Application".

3.19 The Council cannot be held responsible for letters not being delivered by the Royal Mail.

3.20 The following examples illustrate our approach to neighbour notification letters for residential, industrial and commercial developments. These guidelines aim to ensure that notification is undertaken to a consistent standard across the District.

Key for Plans

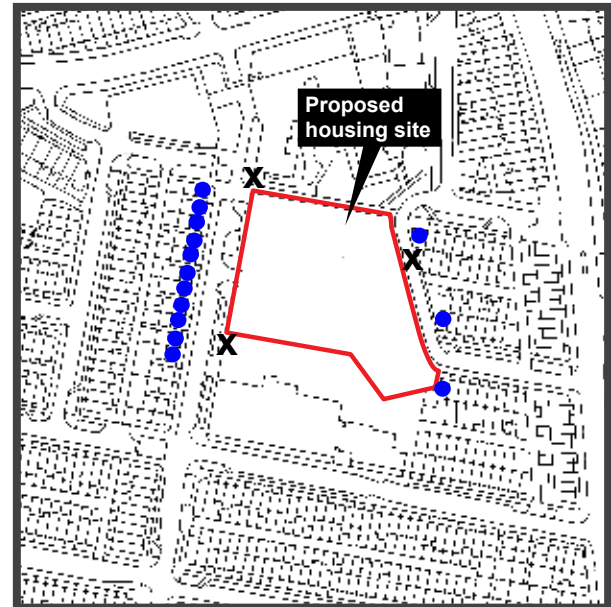
-  **Application site**
-  **Neighbours Consulted**
-  **Site notice posted**

Major Housing Site

Neighbour notification letter to all residential properties adjoining the application site together with any other residential properties that the Responsible Officer considers could have a material planning interest in the development.

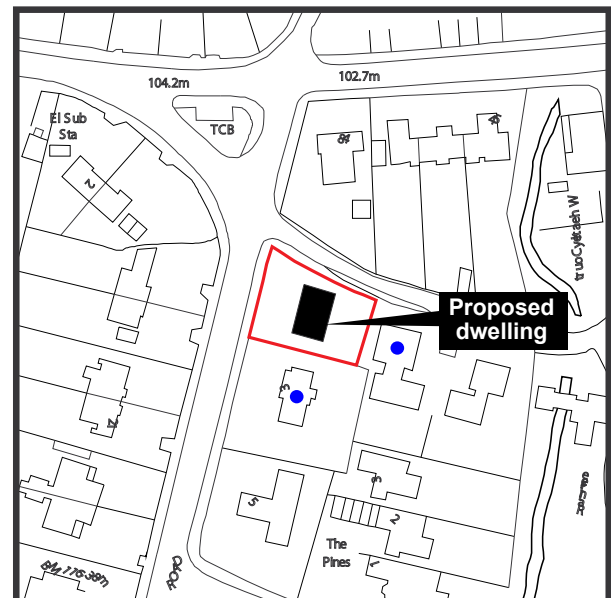
Post at least one site notice on or near to the application site.

Place a press notice in the local newspaper.



Single Infill Plots

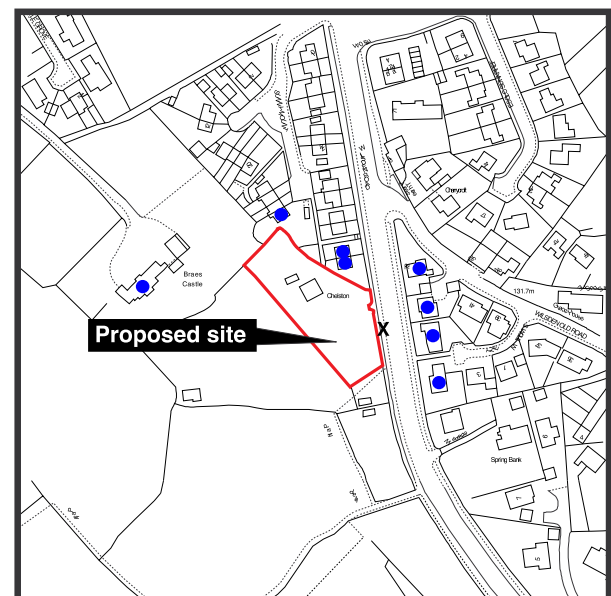
Neighbour notification letter to all residential properties adjoining the application site.



Other Minor Housing Sites

Neighbour notification letter to all residential properties adjoining the application site together with any other residential properties that the Responsible Officer considers could have a material planning interest in the development.

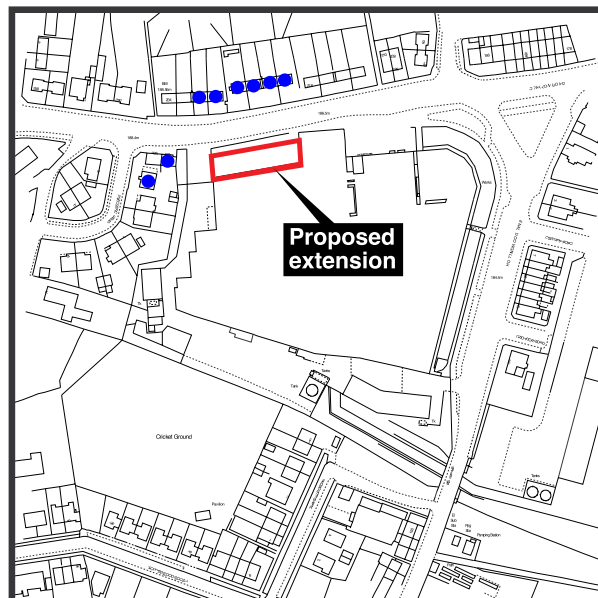
Post at least one site notice on or near to the application site together with at least one notice adjacent to the access road where relevant.



Industrial/Commercial Development in a mixed area

Neighbour notification letter to all residential properties adjoining the application site together with any other residential properties that the Responsible Officer considers could have a material planning interest in the development.

Post at least one site notice on or near to the application site together with at least one notice adjacent to the access road where relevant.



Other Publicity

3.21 For exceptional large developments which materially affect substantial numbers of people the usual forms of publicity outlined above may not be adequate. In certain cases it may also be appropriate to undertake additional publicity through social media, local community groups and/or the Council's neighbourhood forums. It will be at the Responsible Officer's discretion to determine what form of additional publicity is most appropriate. The developer may also choose to undertake their own consultation with local residents or organise an exhibition or community event.

3.22 The Council's Adopted Statement of Community Involvement sets out the pre application community consultation arrangements for major development schemes. The requirements are tailored to meet the impact and scale of the proposal.

Householder Applications

Neighbour Notification Letters

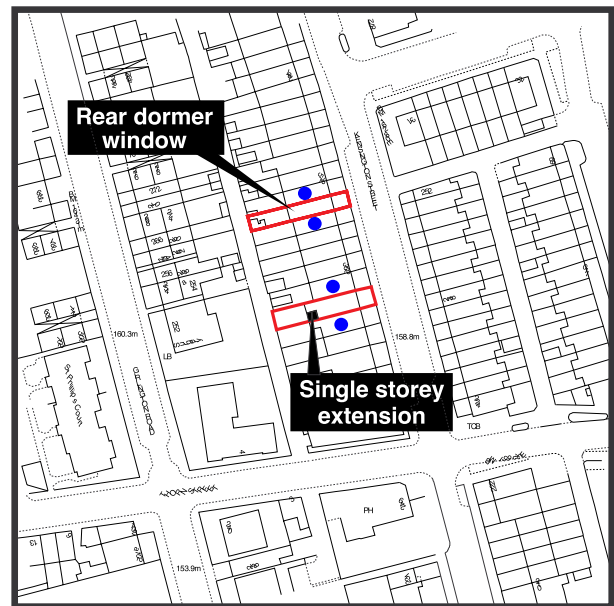
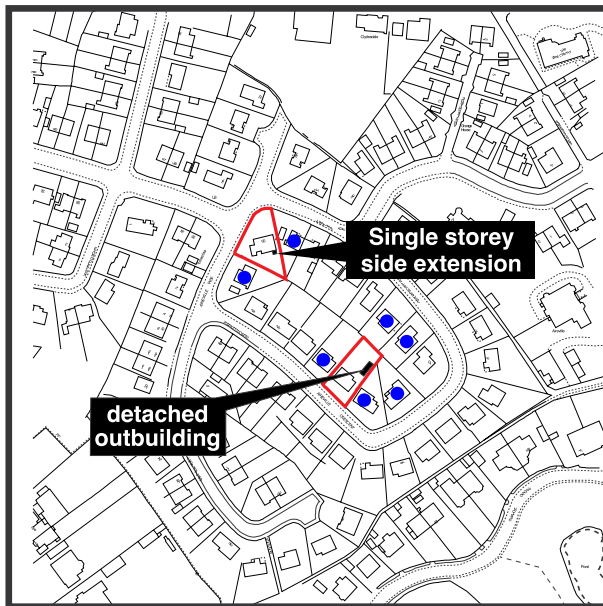
3.23 For householder applications our preference is to undertake publicity in the form of neighbour notification letters to adjoining residential properties (excluding flats). We believe that this is the most appropriate way of bringing such proposals to the attention of those residents who are most likely to be affected. It enables those who are unable to see a site notice, for example the housebound, to express their views. Neighbour notification will be undertaken in addition to any statutory requirement to display a site notice and/or publish a press notice for a development proposal, for example applications within a conservation area.

3.24 Neighbour notification letters will be sent in accordance with the provisions contained in paragraphs 3.17 to 3.19.

3.25 The following examples illustrate our approach to neighbour notification letters for householder developments. These guidelines aim to ensure that notification is undertaken to a consistent standard across the District.

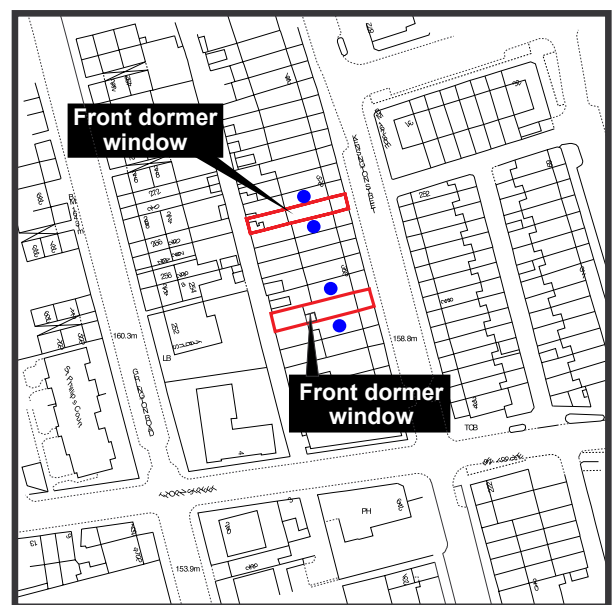
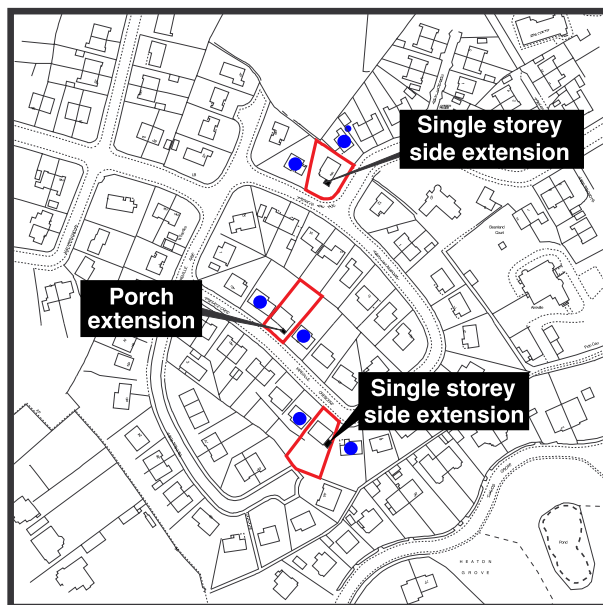
Rear extensions and detached outbuildings

Neighbour notification letter to all residential properties adjoining the application site.



Side and front extensions

Neighbour notification letter to all residential properties adjoining the application site.



Key for Plans

- Application site
- Neighbours Consulted
- X Site notice posted

Site Notices

3.26 In isolated areas where there are no immediate residential neighbours to the application site or the adjoining properties are flats a neighbour notification letter will not be the most effective form of publicity. In such instances we will use a site notices instead of or in addition to neighbour notification letters. Site notices will be posted in accordance with the provisions contained in paragraphs 3.5 to 3.10.

Press Notices

3.27 We will only use press notices for householder developments where there is a statutory requirement to do so. Any provisions will be in accordance with the provisions contained in paragraphs 3.11 to 3.14.

4. Our approach to re-publicity upon receipt of revised plans

4.1 The decision to re-publicise an application upon the receipt of amended plans is at the Responsible Officers discretion, taking into account the following considerations:

- Were objections or reservations raised at an earlier stage substantial and in the view of the Responsible Officer enough to justify further publicity?
- Are the proposed changes significant?
- Did earlier views cover the matters now under consideration?
- Are the matters now under consideration are likely to be of concern to parties not previously notified?

4.2 Whilst each case will be treated on its own merits we will normally re-publicise in the following circumstances:

- In the case of householder applications where the revisions would result in a material increase in the size of the dwelling
- In the case of residential development if the proposals would result in a material increase in the number of units and/or their siting would be closer to existing properties than was previously the case
- In the case of commercial/industrial applications the revisions would result in an increase in the floor space greater than 10%.
- Revisions made to specific objections.

4.3 Who is notified of the amendment(s) is also at the Responsible Officers discretion. Where the amendment is significant we will normally re-notify all those notified in the first place together with those who have made representations and any others not previously notified, who may now have an interest in the application. If however the amended scheme will only affect one neighbouring residential property it will not be necessary to notify all other adjoining neighbours.

4.4 The time period for response to re-publicity is normally restricted to 14 days in order to ensure that the Council can make a decision on the application within the statutory deadline.

5. Definitions

5.1 For the purposes of this document

Major Development – is defined as ten or more dwellings or where the number of residential units is not given in the application, a site area of 0.5 hectares or more. For all other developments the creation of 1000 square metres or more of floorspace or where the site area is 1 hectare or more.

Minor Development – is defined as between one and nine dwellings or where the number of residential units is not given in the application, a site area of less than 0.5 hectare. For all other developments the floorspace to be built is less than 1000 square metres or the site area is less than 1 hectare.

Adjoining – is defined as *“those properties that have a common boundary with the application site”*. This includes properties located diagonally at the corner boundaries (and who share a boundary). Properties separated from the application site by a road, track, public footpath or back alley are not considered to be adjoining.

Property – is defined as land and/or buildings.

Responsible Officer – is a Senior Officer who has been given the authority to make judgements on the Councils behalf.

