

## **12 Consultation on Planning Applications**

In addition to setting out consultation procedures for the Local Development Framework, the Statement of Community Involvement also sets out how the Borough Council will involve the community in the consideration of and determination of planning applications.

Planning permission is required from the Council for many new buildings, alterations or extensions to existing buildings, and changes of use of land or buildings. To apply for planning permission a planning application must be submitted to the Local Planning Authority.

The process by which the Local Planning Authority considers planning applications is known as the development control system. All planning applications should be determined in line with the Development Plan unless it can be proved that there are very good reasons not to do so.

Development control is the aspect of the planning system most people will have previously encountered. For example, you may have received a letter inviting you to comment on a neighbour's proposed house extension or the proposed change of use of a nearby building.

An explanation as to the process of applying for planning permission can be found on the Council's website at [www.oadby-wigston.gov.uk](http://www.oadby-wigston.gov.uk)

The Borough Council does not deal with all types of planning applications, as certain applications are the responsibility of Leicestershire County Council. The County Council will deal with applications relating to waste and minerals developments. Leicestershire County Council will also deal with applications relating to County Council-owned property such as schools or depots.

### **Community Involvement for Planning Applications**

This Statement of Community Involvement aims to set out Oadby and Wigston Borough Council's approach to community involvement on all planning applications.

Where significant development is being proposed, government guidance encourages developers to seek discussions with the local planning authority in advance of submitting a planning application. Similarly, this guidance encourages developers proposing significant development schemes to engage in early-stage community involvement. This pre-application discussion and community involvement will allow issues to be discussed and solutions to be found at the earliest possible time – helping to reduce conflict and possible delays once such an application has been formally submitted.

The Council's Development Control Section encourages pre-application discussion on all applications and already takes part in pre-application discussions with developers in a good number of those instances where significant development proposals are being put forward. The Council will seek to build upon this approach and will actively encourage such developers to involve the community at the earliest practicable opportunity.

It should be accepted that there will inevitably be occasions where community involvement at the pre-application stage will not be appropriate due to reasons of commercial confidentiality. However, the Council anticipates there to be many instances where a planning application is likely to be submitted whereby the developer would firstly welcome the views of the community on development options for the site.

Where developers or potential applicants intend to engage in community involvement, the Council recommends that the scope and type of community involvement is first agreed with the Development Control section during pre-application discussion. This would ensure that development proposals are realistic in terms of planning policy and guidance before potential schemes are consulted upon with local communities and stakeholders. This approach will help to avoid causing concern or raising community expectations unnecessarily.

### **Pre Application Discussions and Community Involvement**

As one of the very first stages in considering new development, applicants are strongly encouraged to contact the Borough Council in order to confirm whether the principle of development is acceptable and to clarify the format, type and level of detail that is likely to be required to allow efficient determination of an application.

The Borough Council will adopt a 'watching brief' to remain impartial to the discussions that take place. Applicants should liaise with the Borough Council to ensure that the methods used to involve the community meet the minimum statutory requirements as set out in this SCI.

Whilst the Borough Council will be amenable to assisting in pre-application community consultation by co-ordinating the involvement of other council officers and organisations, providing officers to attend events and offering Council buildings as venues, it is expected that the applicant would meet the costs of any pre-application community involvement.

The benefits to the Borough of undertaking pre-application discussions and Community Involvement include:

- speedier applications and decisions
- increased ownership of proposals and fewer objections
- an open and transparent approach
- more in keeping and practical design
- better ability to meet the needs of the local community

Community involvement in the planning control process requires general engagement with the wider community and also more targeted involvement where it is considered that an individual, or set of individuals neighbouring the application site, could be directly affected by a development proposal.

### **Permitted Development**

It is important to note that certain proposals do not need the express permission of the Local Planning Authority. These proposals are known as being 'permitted development' and are given planning permission by central government legislation.

In these cases Oadby and Wigston Borough Council cannot influence these proposals since they do not require a planning application and are thus not to be

considered by the Council's Development Control section. There are many instances of permitted development, examples being certain extensions or alterations to a dwelling, the erection of a boundary fence, gate or wall within given height restrictions, or the painting of a building's exterior.

For further information on what requires planning permission it is advisable to speak to a Planning Officer before you undertake any work.

### **How do we involve the community when we receive a planning application?**

Upon receipt of a planning application we write to all occupiers of premises most likely to be affected by a proposal and invite them to inspect the application and to make comments within 21 days. Planning applications which may affect statutory nature conservation sites e.g. SSSIs will require 28 days notice in accordance with the Wildlife and Countryside Act 1981 (as amended). The legislative requirements for notifications are set out in Appendix 2.

A leaflet explaining what people can object to and how is enclosed with all letters. In addition, neighbours and interested parties can contact the planning department to discuss a particular planning application. We offer advice on what matters can be legitimately raised as planning objections and about the opportunity to make verbal comments at the Planning Committee stage.

Information about planning applications is provided on our website. The website includes search engine facilities for particular applications or property searches. Any comments on a particular application can be sent via the website.

In addition to the neighbour notifications the Council produces a weekly list of all planning applications. This list is sent to all libraries in the Borough and various interested groups and organisations including local newspapers such as the Oadby and Wigston Mail and the Leicester Mercury. The weekly list is also available to view on the Borough Council's website.

For the following types of planning applications we place a site notice adjacent to the application site and advertise in the local press:

- Major planning applications;
- Proposals which represent a departure to the development plan;
- Schemes which affect listed buildings;
- Proposals which impact upon the character of a conservation area; and
- Applications affecting public rights of way.

However, in addition to the above the Council has adopted consultation standards over and above the minimum statutory requirements set out above. The Council has produced a practice note on publicity and consultation and this can be viewed on the Council's website and at the main offices.

Community involvement on planning applications does not just involve the public. The Council must also consult the appropriate statutory bodies. Statutory bodies are those bodies which have particular powers in the policy making process. In deciding which statutory body is consulted, the Council must take into account the nature and location of the proposal. These statutory bodies normally have 21 days in which to respond. There are also a significant number of non-statutory bodies including local interest groups which the Council will consult in appropriate circumstances. The

results of any such consultation will be taken into consideration in the determination of any application.

In publicising planning applications, it is necessary for the Council to strike a balance between consideration of cost, speed of decision making and providing a reasonable opportunity for public comment.

The Government sets statutory publicity requirements for planning (and associated) applications. Oadby and Wigston Borough Council's Development Control Section will, as a minimum, satisfy these requirements.

All comments received from statutory consultees, from neighbours and interested parties are taken into account in the assessment of the development proposal. The comments are weighed against other relevant issues including local, regional and national policy and guidance.

If an application is significantly amended during its consideration, the Council will send a further round of consultation letters to nearby residents and to those who have already written in with comments. They can then submit further comments generally within a 10-day period.

### **How applications are determined**

Planning officers will deal with the majority of all planning applications under delegated powers. The more significant or controversial applications are presented to the Council's Development Control Committee for their consideration. The Development Control Committee generally meets every 4 weeks at the Council Offices. The exact dates are published on the Council's website and at the Council Offices.

The scheme of delegation to officers is available to view on the Council's website and at the Council Offices.

When an application is to be considered by the Development Control Committee there may be the opportunity for interested parties to address the Committee at the meeting prior to any decision being made. The Council has produced a leaflet about public speaking rights at the Development Control Committee meeting. This leaflet is available to view on the Council's website and at the Council Offices.

### **How do we involve the community after a decision is taken on a planning application?**

Once a planning application is determined all those who have made representations on the application are advised of the outcome by letter. Applicants have a right to appeal against an unfavourable decision. Details on how applicants can appeal against a decision are contained within all decision notices issued by the Council. Third parties do not have a right to appeal.

### **How do we involve the community if an appeal is received on a planning application?**

Upon receipt of an appeal we inform all neighbours and all those who have made representations on the application that an appeal has been lodged. An independent Inspector will be appointed to review the case. An appeal may be considered either

through an exchange of correspondence (known as written representations), at an informal hearing or at a more formal Public Inquiry.

Any comments received during the original consideration of the application will be sent to the Planning Inspectorate. There may be the opportunity to make further representations on the appeal directly to the Planning Inspectorate, and the Borough Council will ensure that the same neighbour notifications as the original planning application are carried out.

If the matter is to be heard by an Inspector at either an informal hearing or a Public Inquiry then objectors will be invited to attend the hearing/public inquiry where they may well be the opportunity to make verbal submissions directly to the Inspector. The Applicant and the Borough Council also appear at the hearing or inquiry. All parties to the appeal are informed of the Inspector's decision if they have requested to be notified.

### **Planning Aid**

Planning Aid provide independent professional advice and information on planning matters. It is a free service, which is run by a network of volunteer caseworkers. It is aimed at individuals, community groups and other voluntary groups who cannot afford to pay for private consultants.

Planning Aid may be able to help you if you want to find out how to:

- Apply for planning permission;
- Object to or support another person's planning application;
- Appeal against a refusal of planning permission;
- Get involved in Local Development Document preparation.

Contact details for Planning Aid can be found at Appendix 7.

## Appendix 2

### Statutory Requirements for community involvement in the consideration and determination of Proposals for Development

#### **Statutory Requirements for community involvement in the consideration and determination of Proposals for Development**

Statutory requirements are in place for publicising applications for planning permission, requiring applications to be publicised by a notice in a local newspaper, a site notice or by a neighbour notification letter. To meet the requirements for various type of application it will be necessary to observe the following:

- For applications accompanied by an Environmental Statement (Environmental Assessment Schedule 1 or 2), proposals which depart from the Development Plan, or development that affects a public right of way :
  - Place a notice in the local press and post a site notice, inviting comments within 21 days.
- For applications to which Part III of the Wildlife and Countryside Act applies:
  - Either place a site notice, or notify neighbours by letter, inviting comments within 28 days.
- Major development (10 or more dwellings, 1,000 sq. metres or more of floorspace or 0.5ha or more in site area):
  - Place a notice in the local press and either post a site notice, or notify neighbours by letter, inviting comments within 21 days.
- Other development:
  - Either post a site notice, or notify neighbours by letter, inviting comments within 21 days.
- Development affecting the setting of a listed building:
  - Place a notice in the local press inviting comments within 21 days and post a site notice inviting comment within 7 days.
- Development affecting the character and appearance of a conservation area:
  - Place a notice in the local press inviting comments within 21 days and post a site notice inviting comment within 7 days.

Similar arrangements are in place for applications requiring Listed Building or Conservation Area Consent.

It is considered that the preceding statutory requirements are met and exceeded by the Council's minimum requirements as set out in the adopted practice note on publicity and consultation.