

8 Community Involvement and Development Management

- 8.1** The council is responsible for the processing of all planning applications within the borough. To ensure that people within the borough are aware of proposals and that they have the chance to be involved in decision-making, notification is vital.
- 8.2** As well as setting out the ways in which the council will involve the community in the preparation of the Local Plan, the SCI also sets out the ways in which the council will involve the community in the decision making process for determining planning applications.
- 8.3** The purpose of this section is to set out what the council's decision-making process involves in relation to planning applications and to explain the council's approach to community involvement.
- 8.4** Please note these procedures are subject to change in response to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 or any other enacted emergency regulations.

PRE-APPLICATION DISCUSSIONS

- 8.5** Developers are currently encouraged to contact the council prior to the submission of a major planning application to discuss a development proposal and any issues that may arise from it. Developers are also encouraged to discuss their proposal with ward councillors and other specific consultation bodies, where appropriate, before submitting a planning application. This has the benefits of allowing relevant issues to be raised and resolved early, providing more time to consider and develop better quality solutions, and removing delay to the formal planning process.
- 8.6** Entering into pre-application discussions with potential developers does not indicate endorsement by the council for a particular application. It simply enables effective communication between the developer, the council and interested parties.
- 8.7** Where the council considers a proposal to be of a scale and/or nature that it is likely to generate significant levels of public interest, the prospective developer will be encouraged to engage with ward councillors, the local community (including Parish Council's) and undertake wider consultation.
- 8.8** The developer will be expected to submit a statement outlining the extent of the consultation completed with the planning application and to explain how the feedback from the consultation process has influenced the submitted scheme.
- 8.9** For more information on the pre-application process and fees please [click here](#).

HOW LONG DOES IT TAKE TO PROCESS PLANNING APPLICATIONS?

- 8.10** The council aims to process planning applications within the Government's target periods. For example, at least 60% of major planning applications determined within 13 weeks (16 weeks for applications submitted with an Environmental Statement), 65% of minor planning applications within 8 weeks and 80% of other planning applications within 8 weeks.

METHODS OF PUBLICITY

- 8.11** Consultation and publicity on planning applications does not just involve the public. The council must also consult the appropriate statutory bodies. In deciding which statutory body is consulted, the council must take into account the nature and location of the proposal and the relevant legislative context. Statutory consultees have 21 days in which to respond, however, they will be allowed a longer period of time to comment on applications where this is prescribed by legislation. There are also a number of non-statutory bodies, which the council will consult in appropriate circumstances. Consultation periods on planning applications will be time-limited because the council is under a duty to meet the targets outlined in paragraph 8.10.
- 8.12** The statutory requirements for publicity for all planning applications are laid out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 8.13** There are several stages following the receipt of, and during the processing of a planning application, where the council will instigate community publicity and involvement and these are described below.
- 8.14** Planning applications and the accompanying plans are available for inspection via Oldham Council's website.
- 8.15** A weekly list of all planning applications received by the council is made available and publicised in the following ways:
- copy emailed to all councillors and groups and individuals who request to be on the mailing list;
 - the council's website (which will seek to continually improve its functionality for users and develop in line with best practice to ensure that it is: more user friendly; up to date; accurate; simple to navigate; and that funding for the required improvements is in place); and
 - printed copies of the weekly list can be provided on request, for a fee.
- 8.16** The list will contain an initial assessment of the level at which the decision will be taken.
- 8.17** Where a Site Notice is posted, it will be displayed on or near to the application site, for not less than 21 days, during which time online representations may be made.
- 8.18** Local press advertisements are undertaken in the following circumstances and normally request that any representations are made within 14 days of their publication:
- applications with an Environmental Statement;
 - departures from the Local Plan;
 - applications that affect a right of way as defined by the Wildlife and Countryside Act;
 - development affecting the character or appearance of a Conservation Area;

- e. development affecting the setting of a Listed Building;
- f. applications for Listed Building Consent or Conservation Area Consent; and
- g. Major Development.

Major applications are defined as follows:

- a. the winning and working of minerals or the use of land for mineral-working deposits;
- b. waste development;
- c. the provision of dwelling houses where -
 - i. the number of dwellinghouses to be provided is 10 or more; or
 - ii. the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- d. the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- e. development carried out on a site having an area of 1 hectare or more.

NEIGHBOUR NOTIFICATION LETTERS

8.19 Site notices are displayed and / or letters are sent to 'adjoining' occupiers in respect of every planning application within which the development requires planning permission i.e not Lawful Development Certificates, or, unless required by legislation, applications for 'prior notification'.

8.20 'Adjoining' in this sense means, as a minimum:

- a. any properties which share a boundary with the application site
- b. in the case of proposals that may have a significant impact on neighbours the notification will be extended to include other properties close by, by additional letters or additional site notices.

8.21 The Development Management case officer will make a judgement as to whether letters will be sent and who will be notified.

8.22 Individual occupiers are invited to inspect the application and make online observations within 21 days.

8.23 When comments are submitted online regarding a planning application via the council website, an electronic acknowledgement will be sent from adoption of this SCI.

WHEN IS WIDER CONSULTATION NECESSARY?

- 8.24** In the case of major planning applications, additional methods of publicity may be used to involve the community in the decision making process in addition to the statutory requirements detailed above. The section below highlights what the council will recommend to applicants.
- 8.25** Government guidance has categorised significant/major developments into three tiers, each of which will require a different level of consultation.
- 8.26** The categorisation will depend upon the characteristics of the application and its conformity with national and local planning policy.
- 8.27** The identification of the nature of the planning application allows the council to determine the type and extent of consultation that needs to be undertaken to ensure the residents of the borough are adequately informed and are able to provide comments that inform the decision making process.
- 8.28** The preparation of the SCI has allowed consideration of the council's current practice for notification and consultation on planning applications. The current practice for many applications is appropriate and will continue.
- 8.29** The council appreciates that it is very often major planning applications that can, in certain instances, be of concern to the residents in the borough. The SCI seeks to widen its consultation and engagement practices in these instances.
- 8.30** The council will adopt a three-tiered approach in line with Government advice which will set out the framework for those applications that will be subject to wider community involvement. Table 2 intends to set out the approaches to community involvement that may be appropriate in each instance.

Table 2 Approaches to Significant / Major Planning Applications

Approach	TIER 1 - Applications where there are issues of scale and controversy, or are contrary to / out of line with Local Plan policy	TIER 2 - Applications broadly in accordance with the Local Plan but raising controversial issue or detail	TIER 3- Applications of a scale or on a site for which the authority requires local community involvement
Public Meetings	yes	yes	
Public Exhibition	yes	yes	
Development Briefs	yes		
Design Exercises	yes		
Website	yes	yes	yes
Media / Leaflets	yes	yes	yes

- 8.31** The tiered approach allows the council to set out which of the planning applications that it receives need wider consultation and what degree of wider consultation is appropriate. This will be determined on a case-by-case basis. Please note that during coronavirus restrictions community involvement methods may be restricted to online methods only.

Tier Level 1

- 8.32** Planning applications will be subject to the widest level of community consultation. Appropriate levels of consultation for this tier may include techniques such as public meetings, design type exercises and more wide scale media.

Tier Level 2

- 8.33** Planning applications in this level will be given 'medium' level wider consultation. Appropriate levels of consultation at this tier may include methods such as general public meetings or exhibitions. The involvement of the community in the area of the proposal will be more appropriate.

Tier Level 3

- 8.34** These are major developments, which will only have implications at a local level on a site-by-site basis and therefore only the local community near the proposal site need to be involved through consultation.

PROCESS OF INVOLVEMENT

- 8.35** Where neighbour notification has taken place, the council will not determine planning applications within 21 days of the date of the notification letter. The results of any such notification will be reported and taken into account in decisions made by, and on behalf of, the council. The Council has a responsibility to deal with planning applications within a specified time and because of that is not able to engage with/discuss the case with local residents or respond to individual queries.
- 8.36** Consideration will be given to all representations received later than 21 days provided the planning application has not been determined.
- 8.37** All representations need to be made online through the council's website, giving the name and address of the respondent; anonymous representations cannot be given significant weight in the determination of a planning application. Representations by letters and emails will not be accepted unless the online system is unavailable. Verbal representations will not be recorded nor taken into account in the decision making process.
- 8.38** The council will publish individual comments anonymously, however, names and addresses of respondents cannot be treated as confidential and are available for public inspection without exception. Representations are kept on file with the application and form part of the public record, which must be presented upon request.
- 8.39** Planning applications will often generate much public interest and lead to a large number of objections. The negotiation stage will often result in the submission of amendments to overcome some of these objections. Re-notification of neighbours on minor amendments which can significantly delay consideration of an application is left

to the discretion of the Head of Service. Minor amendments are often made to overcome a particular objection or concern so there may be no need to re-notify in such circumstances.

- 8.40** More significant alterations will require neighbour re-notification. Those persons re-notified will be given a further minimum seven working days to make representations.
- 8.41** Once a decision has been made on a planning application, legislation allows for subsequent applications to be made to the Local Planning Authority for both material and non-material changes. Where material changes are proposed full consultation and notification procedures will be applied.

DECISION PROCESS

- 8.42** More than 90% of all planning applications are determined under delegated powers by the Executive Director and/or Head of Service. However, the Planning Committee determines most of the larger, more complex planning applications.
- 8.43** Ward members can request that an application be referred to Planning Committee for determination. This request will be dealt with in accordance with a protocol approved by Council.
- 8.44** The Planning Committee meets approximately every four weeks in Oldham Civic Centre at 6.00pm. Members of the public can attend if they so wish.
- 8.45** These procedures are subject to change in response to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 or any other enacted emergency regulations. In such circumstances details will be published on the Council's website.
- 8.46** If a planning application is to be considered by the planning committee the details, and officers report, will be published on the Council's website five days before the date of committee.
- 8.47** Members of the public can attend the meeting and have a right to speak in accordance with an adopted protocol/scheme of delegation. The council allows one objector and one supporter to speak on each planning application, each for a maximum of three minutes.
- 8.48** An elected ward councillor can also address the Planning Committee in accordance with an adopted protocol/scheme of delegation.
- 8.49** Planning Committee reports are made available on the council's website five working days before the Planning Committee meeting. Copies of the Planning Committee agenda can also be obtained from the Council's Committee Services Section.
- 8.50** If any further information has been received in connection with an application in the intervening period between the publication of the agenda and the planning committee date, it will be reported to the committee in a 'Late List' document. This is a public document which is placed on the councils website and copies are available at the meeting.

- 8.51** At the Planning Committee meeting the Chair will introduce each item and will invite those wishing to speak to do so. The Planning Officer in attendance will then bring any necessary information, in addition to that contained in the report, to the Planning Committee's attention.
- 8.52** A further discussion by Planning Committee Members will follow but members of the public cannot take part in the debate. A decision will then be made and the minutes of the meeting will be agreed at the next available Planning Committee.

POST APPLICATION

- 8.53** All decisions relating to planning applications are published on the council's website at www.oldham.gov.uk - then click on 'Search for an application'.

COMPLAINTS

- 8.54** The council sets out its procedures for making complaints or providing feedback about the council on the council's website under [Complaints and feedback about the council](#)

PLANNING APPEALS

- 8.55** Only applicants have a right to appeal against a refusal of planning permission, against conditions imposed on a planning approval or after certain time periods against the non-determination of a planning application. There are no third party rights of appeal.
- 8.56** All individuals and organisations that were notified at the time the planning application was originally submitted and all those who subsequently made comments in relation to the planning application, will be notified in writing of any appeal and of how to make their views known. All letters received by the council will be copied and sent to the Planning Inspectorate.
- 8.57** Where an appeal is to be heard at a public inquiry the council will also erect a site notice and publicise the details in the press.

Example

Brian Fuller receives a letter from the council telling him that his next door neighbour has applied for planning permission for a side extension.

The letter sets out where to view the planning application, the deadline for comments and the options for sending any comments.

Brian later looks on the council's website at the planning application.

There are a few issues that Brian is not happy with so he registers and submits his comments online.

He writes about the visual impact of the extension, the scale of it and how it will impact on the Conservation Area that the property sits within.

After a period of time Brian checks the decision notice on the planning application via the council's website.