

## **4.0 Our methods for community engagement at the planning application stage**

- 4.1 A planning application is a means by which someone applies for permission from the local planning authority (LPA) to develop land. Cambridge City Council and South Cambridgeshire District Council are responsible for planning decisions that are made in their respective areas and receive a range of different types of planning applications for formal determination.
- 4.2 There are four key stages to the planning application process:
- Pre-application – a developer prepares the development proposal. Early engagement with the LPA, relevant stakeholders and the community is encouraged.
  - Planning application – an application is submitted to the LPA who will consult on the planning application.
  - Decision making – a decision is made by either a planning committee or delegated to a planning officer.
  - Appeals – the applicant has a right to appeal where they disagree with the decision of the LPA to refuse permission.
- 4.3 The statutory requirements for consulting on planning applications are set out in Appendix 3.

### **Pre-application advice and consultation**

- 4.4 Both Cambridge City and South Cambridgeshire District Council encourage applicants to carry out early engagement with the LPA and the local community before submitting a planning application. Early discussion of a proposal in the form of a pre-application with the council can:
- Verify the information required to be submitted with the application;
  - Reduce the likelihood of submitting invalid applications;
  - Help the applicant to understand how planning policies and other requirements may affect their proposal; and
  - Raise the quality of the development.
- 4.5 This pre-application advice stage is an important opportunity for planning officers to provide an initial view on a proposal, to identify any elements which may need amending and to identify information which should be submitted to support the application. These discussions enable planning officers to provide advice to the applicant and in no way predetermine the outcome of the application.

- 4.6 Whilst some pre-application discussions can be confidential for commercial reasons, developers are strongly encouraged to undertake community engagement at this stage of the planning process, particularly where development is likely to have significant impacts on local communities or where the site is particularly sensitive. It is however not compulsory.
- 4.7 Section 122 of the Localism Act 2011 introduced a duty for developers to consult local communities before submitting planning applications for certain developments. For development proposals that fall outside of the requirements of the Localism Act, the LPA encourage pre-application consultation with local communities and key stakeholders. This allows those likely to be affected by the development to raise potential issues and to make suggestions. This in turn might reduce local opposition, increase the chances of a timely and positive decision from the LPA and improve the resulting quality of development.
- 4.8 Further information about the pre-application process can be found on the councils' websites<sup>23</sup>. Additionally, both LPAs also offer a Duty Planning Officer service where members of the public can obtain advice and guidance on largely householder applications. More information on the Duty Planning Officer service can be found on the councils' websites. There is also further general information and advice on the councils' websites about the planning application process.

## The Planning Application Process

- 4.9 The Town and Country Planning (Development Management Procedure) Order 2015 requires that at any time before a decision is made on a planning application, stakeholders and the local community should have the opportunity to comment on any aspect of the proposal. The level and extent of consultation will vary depending on the size, scale, location and nature of the proposed development.
- 4.10 The comments, known as representations, that are received during the consultation period will be considered in decisions made by and on behalf of the councils'. Representations must be in writing and can only be taken into account if they relate to material planning considerations<sup>24</sup>. Representations will be added to the application file and made publically available online alongside the planning application documents. These will be published in accordance with the Council's Privacy Notice.

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<sup>23</sup> South Cambridgeshire: [www.scambs.gov.uk/content/pre-application-advice](http://www.scambs.gov.uk/content/pre-application-advice)

Cambridge City: [www.cambridge.gov.uk/pre-application-advice](http://www.cambridge.gov.uk/pre-application-advice)

<sup>24</sup> [www.gov.uk/guidance/determining-a-planning-application](http://www.gov.uk/guidance/determining-a-planning-application)

- 4.11 It is current practice to take into account late representations received up to the point of determination of the application. Nevertheless it is strongly recommended that representations are received by the LPA during the time period indicated in the LPAs publicity.
- 4.12 When a planning application is registered by the LPA, there is a statutory period during which anyone can comment on the proposal, as set out in Table 4. It is the LPAs responsibility to publicise planning applications. The approach to notification of planning applications will be to:
- Publish details of planning applications online (Public Access), including which applications have been registered, digital copies of plans and supporting information. Our websites include a search function to help find specific planning applications.
  - Undertake appropriate notification as shown in Table 4. In some instances, the LPA can go beyond the minimum statutory requirements where the development would potentially have a wider impact, and may make use of additional methods of publicity such as articles in Council magazines. Such wider consultation is carried out at the discretion of the planning officer.
  - Parish Councils in South Cambridgeshire as well as Neighbourhood Forums in Cambridge City are consulted on all appropriate planning applications as statutory consultees.
  - Consult with both statutory and non-statutory consultees. All consultees have 21 days (30 days for applications accompanied by an Environmental Statement) from the issue of the consultation notice to make representations (extended as appropriate where the period extends over public or bank holidays). It is highly recommended that representations are submitted prior to the published consultation deadline. The list of statutory and non-statutory consultees related to planning application consultations is set out in Appendix 2.
- 4.13 Where neighbour notification letters/emails are sent out, this will usually be sent to properties directly adjoining the application site. The planning officer may sometimes determine that neighbour notification letters/emails should be sent beyond this where a development could potentially have an impact on a wider area. This may include properties facing the application site or other properties within the street.
- 4.14 In addition Cambridge City Council operates a Development Control Forum<sup>25</sup> where petitioners to an application can present their views to councillors,

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<sup>25</sup> <https://democracy.cambridge.gov.uk/mgCommitteeDetails.aspx?ID=190>

planning officers and the applicant some weeks before a planning application is determined. The aim of the forum is to allow early discussion of the planning issues raised by petitioners and to explore the scope for building consensus and for resolving concerns. This informal meeting does not determine the application, which is set out in more detail below.

- 4.15 It is at the discretion of the LPA whether further publicity and public consultation is necessary when an application has been amended. In deciding whether it is necessary, the LPA will consider the criteria set out in Planning Practice Guidance<sup>26</sup> published by the Government.
- 4.16 If it has been determined that re-publicity and re-consultation is necessary then it is open to the respective LPA to set the time frame for responses, balancing the need for the public to be given time to consider the issue that is being re-consulted upon and respond, against the need for efficient decision making. A period of 10-14 days is in most cases considered an appropriate period to allow for further comment.
- 4.17 Table 4 sets out how the councils will publicise planning applications made under planning legislation. Each type of planning application will be the subject of a different method of publicity which will broadly reflect the scale and impact of the proposal on its surroundings.

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<sup>26</sup> [www.gov.uk/guidance/consultation-and-pre-decision-matters#Re-consultation-after-amended](http://www.gov.uk/guidance/consultation-and-pre-decision-matters#Re-consultation-after-amended)

**Table 4: Minimum publicity for planning applications**

Type of application	Minimum method of publicity					
	Site notice	Site notice or neighbour notification letter/email	Press notice in local newspaper	Website	Parish Council notification email/letter	Neighbourhood Forum email/letter notification
Major Development						
Minor Development						
Householder Applications						
Applications subject to EIA which are accompanied by an Environmental Statement*						
Applications which do not accord with the development plan for the area*						
Applications affecting a Public Right of Way*						
Listed Building applications and applications affecting the setting of a Listed Building						
Brownfield Land Register (Part 2)						
Works to protected trees		 <i>Landowner must be notified</i>				
Applications relating to an advertisement						
Hazardous Substances Consent						
Where an application falls within a Conservation Area, a site notice may be required. The LPA will advise.						
Prior Notification Applications will be publicised as set out in the relevant regulations <sup>27</sup> . The LPA will advise.						
There is no statutory requirement to consult on the following types of applications:						
<ul style="list-style-type: none"> <li>Certificates of Lawfulness of proposed use or development;</li> <li>Certificates of Lawfulness of existing use or development;</li> <li>Approval of details/Discharge of Conditions;</li> <li>Non-material amendments.</li> </ul>						
* 30 Days public notice in local newspaper						
Method of publicity will be appropriate Discretionary (to be determined on a case by case basis by the LPA)						

<sup>27</sup> [www.planningportal.co.uk/info/200126/applications/60/consent\\_types/10](http://www.planningportal.co.uk/info/200126/applications/60/consent_types/10)

## **Decision Making Process**

- 4.18 Decisions on planning applications are made by Planning Committee and Planning Officers under delegated powers. This is set out in the Schemes of Delegation<sup>28</sup>. Applications that are likely to be considered by the Planning Committee include applications for Major developments and applications relating to the demolition of a listed building or a Building of Local Interest.
- 4.19 There are two separate Planning Committees across the two LPAs. Agendas and reports for Planning Committee are publicly available at least 5 working days before the meeting and are also published online. The committee meetings are minuted and published online. Members of the public may speak at a Planning Committee provided they have previously made written representations on the proposed development. Both councils have further guidance and information regarding speaking at Committee Meetings and can be viewed online<sup>29</sup>. There is also a Joint Development Control Committee – Cambridge Fringes, which comprises members appointed by the city, county and district council. This committee considers planning applications for major and ancillary developments on the fringes of Cambridge.
- 4.20 Once an application has been decided, a copy of the planning decision notice will be sent to the applicant. Notification of the decision will also be sent to all third parties who have made representations. This is in accordance with the LPA's statutory requirements<sup>30</sup>. The LPA will also make the decision available to view online through Public Access along with the reports that have been considered in the reaching of the decision. A Weekly List of determined planning applications is made available for Parish Councils, Neighbourhood Forums and any other interested parties to be kept informed of planning decisions in their areas on a weekly basis.

## **Planning Appeals**

- 4.21 An applicant may appeal to the Planning Inspectorate against a refusal or contest any of the conditions imposed to the granting of permissions or the non-determination of an application. Only the applicant has the right to appeal. The LPA will support the appeals process by adding appeal documentation to

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<sup>28</sup> South Cambridgeshire District Council:

<http://scambs.moderngov.co.uk/documents/s106617/Constitution%20-%20Complete%20Document.pdf>

Cambridge City Council: [www.cambridge.gov.uk/media/4094/constitution-part-3-section-9.pdf](http://www.cambridge.gov.uk/media/4094/constitution-part-3-section-9.pdf)

<sup>29</sup> South Cambridgeshire District Council:

<http://scambs.moderngov.co.uk/documents/s93758/Public%20speaking%20protocol%20FINAL%20agreed%203%20June%202015.pdf>

Cambridge City Council: [www.cambridge.gov.uk/have-your-say-at-committee-meetings](http://www.cambridge.gov.uk/have-your-say-at-committee-meetings)

<sup>30</sup> [www.legislation.gov.uk/uksi/2015/595/article/33/made](http://www.legislation.gov.uk/uksi/2015/595/article/33/made)

the online planning file. The councils will inform all parties that were originally consulted on the application or made representations on the proposal of the appeal. A planning appeal will then be considered by the Planning Inspectorate, who will make the final decision on the proposal. The LPA has no statutory requirement to notify neighbours or interested parties of the appeal decision. This will be made available on the Planning Inspectorate website<sup>31</sup>.

- 4.22 There are three procedures that an appeal can follow, written representations which usually relate to householder applications, advertisement consent and minor commercial (shop front) applications as well as a public hearing or a public inquiry. The procedure for these is set out in the ‘Procedural Guide to Planning Appeals – England’ (2018)<sup>32</sup>.

## Enforcement

- 4.23 Planning enforcement describes the processes involved in ensuring that people comply with planning law and requirements of a planning permission. The majority of cases arise through referrals from the public, councillors and council officers. Many investigations are confidential so the process involves little public consultation. Where a breach of planning control is reported, an officer will investigate and assess the complaint, gather evidence and establish what, if any, the most appropriate course of action should be. Many investigations result in the submission of a planning application in an attempt to regularise a breach. When this is the case the community can become more involved in the same way as with any other planning application. If the breach cannot be regularised, the LPA will consider formal enforcement action. The LPA will ensure that the complainant is informed of the outcome of the council’s investigation. Further information about the enforcement process can be found on the councils’ websites, including the Planning Enforcement Policies<sup>33</sup>.

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<sup>31</sup> [www.gov.uk/appeal-planning-inspectorate](http://www.gov.uk/appeal-planning-inspectorate)

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/743495/Procedural\\_Guide\\_Planning\\_appeals\\_version\\_3.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/743495/Procedural_Guide_Planning_appeals_version_3.pdf)

<sup>33</sup> South Cambridgeshire District Council: [www.scambs.gov.uk/planning/planning-control-and-enforcement/enforcement-action/](http://www.scambs.gov.uk/planning/planning-control-and-enforcement/enforcement-action/)

Cambridge City Council: [www.cambridge.gov.uk/media/2796/planning\\_enforcement\\_policy.pdf](http://www.cambridge.gov.uk/media/2796/planning_enforcement_policy.pdf)