

HOW TO RESPOND TO PLANNING APPLICATIONS

Planning applications

Planning can seem a complicated subject as it deals with all types of development, from the construction of a superstore to a new conservatory for your next-door neighbour.

The planning system, under the *Town and Country Planning Act 1990*, seeks to control these changes and ensure that the public interest is protected at all times. Planning law strikes a balance between the right of the individual to do what he or she wants with his/her property and the public's right to enjoy privacy and light, and not be adversely affected by such things as noise, nuisance or extra traffic problems.

When a planning application is made it is placed on a public register, which is available for inspection at the Customer Service Centre at the Council offices upon request. Planning files are also public documents and available for inspection by appointment.

How do I know when an application has been made?

Consultation of neighbours

In line with government legislation, the Council as the Local Planning Authority notifies properties directly adjoining and immediately opposite the application site of the proposed development.

Standard letters are sent inviting interested parties to view the plans at the Council offices during normal office hours (9am – 5pm Monday to Thursday and 9am – 4.30pm on Fridays). Plans and application forms can be viewed at the Council's Customer Service Centre. However, an appointment needs to be made to view the planning file or to speak in person to the planning officer dealing with the application (the case officer).

Applications can also be viewed on the Council's website (www.stalbans.gov.uk). The notification letters are sent out at the

registration stage of the application and allow 21 days for any reply, whether this is in favour or against the application. The Council must determine an application within eight weeks, so it is important to send your reply as soon as possible.

Comments on an application must be made in writing, and a copy of your letter or email will be placed on the planning file. This means that it becomes a public document and can be viewed at any time. If you wish your letter to be acknowledged, you must enclose a stamped addressed envelope. You do not need to reply to the Council's notification letter if you have no comment to make.

If you have any queries about the application, you can telephone the planning department and discuss them with the officer dealing with it. Your notification letter will advise you of the case officer's name, extension number and the planning reference number assigned to the application.

However, case officers are only available to answer calls in the afternoon. Telephone enquiries to the department in the morning between 9am and 1pm will be answered by a planning technician and calls between 1pm and 5.15pm (4.45pm on Fridays) by the duty planning officer.

Advertisements

Certain planning applications have to be advertised in the local newspaper and a site notice displayed at the site. This applies to applications in a conservation area or works to listed buildings. There are also certain types of activity that are required by Act of Parliament to be advertised, such as those that are likely to affect the environment in terms of such things as noise or smell. The Council produces a weekly list of such planning applications, which is supplied to your local paper, local parish councils and some residents' associations.

Weekly list

A weekly list of all new planning applications is available from the Customer Service Centre and also published on the Council's website.

What role can I play?

Anyone can comment on a planning application, regardless of whether or not they live next door or opposite the application site. Your comments should be in writing and must state clearly your reasons for supporting or opposing the application. It is not enough to simply say that you object or approve. You may also submit comments on a particular application via the Council's website. Your comments will then be considered along with other representations. You must, however, make sure that your comments reach us by the deadline stated in the notification letter and on the website.

What about a petition?

If you decide to organise a petition, do ensure that:

- it clearly states the purpose of the petition;
- it sets out the reasons why people are supporting or objecting to the application;
- the names and addresses of the signatories are legible;
- there is a contact name and address in case the Council wishes to contact the petition organiser.

It is often better to have a short petition from local residents than a very long one signed by people who live a long way away from the application site. Remember that petitions can support as well as oppose an application, and it is useful for the Council to know how local residents feel about schemes.

If I object will the application be refused?

Not necessarily. Similarly, if you support an application it will not necessarily be approved. Your views are only one aspect of all the factors that planning officers and councillors take into account when dealing with an application.

The Council follows Development Plan policies, which are contained in the *St Albans District Local Plan Review 1994*. This details the standards that applications must meet in terms of a range of aspects.

How the decision is made

Applications are normally determined under the delegated decision-making process, without presenting the application to councillors. This means that a case officer is assigned to an application and will make a recommendation on the basis of Local Development Plan policy. The application is then determined by the Head of Planning and Building Control, assisted by the Area Team Leader and the Development Control Manager.

This procedure operated by the Council, as the Local Planning Authority, has specific safeguards to ensure a fair, open, transparent and efficient service within the set timescales. However, an application that is initially 'delegated' to a planning officer may later be referred to Committee if 'called in' by a councillor within a three-week period from the date of the 'weekly list' of applications.

Complex or major developments of strategic significance and applications called in by councillors are decided at one of the three area Planning Committees (North, South and Central). Meetings for each area are held every three weeks and a list of applications to be considered by the committees is available one week before the meeting, from the Planning Committee Information Line on 01727 819469 or from the Council's website.

There may be occasions where a particularly complex or strategic application is considered by the Planning Referrals Committee. This meets as and when required.

Who can attend a committee meeting?

Anyone can attend a meeting. These are normally held at 7pm on Mondays at the District Council Offices (or Harpenden Public Hall for applications in the north of the district). The public also has the opportunity to speak at such meetings but there can only be one speaker for and one against the application, each for a period of three minutes. Sharing this opportunity must be mutually agreed.

Who can help me?

Your local District Councillor

Apart from contacting the Planning Department, you may wish to talk or write to your local councillor. Councillors sit on different committees (a list of which can be obtained from the Council) and it may be that your local councillor is not on the relevant committee. He or she can, however, ask to speak at the meeting deciding the application. The Planning Department will be able to advise you of the dates, times and locations of meetings. There is also a 24-hour Planning Committee Information Line available on 01727 819469. This will advise you of what is on the Agenda for forthcoming meetings.

Town and parish councils

Town and parish councils are third parties and do not have decision-making planning powers. They are, however, consulted about planning applications affecting land in their area. If you have views about a planning application, you can make these known to your local town or parish council. Contact details are available on the Council's website.

Can I appeal against a decision?

Neighbours or other objectors cannot appeal against a decision once it has been made. The only person with a right to appeal is the applicant.

If an applicant does appeal against a decision and the Council has received your written comments, you will be advised of the appeal and invited to make further comments. A leaflet explaining this procedure has been published by the Council, entitled *Planning Appeals: A Guide for Third Parties*.

Further information

This advisory leaflet is intended to be a helpful and useful source of information and not binding on any party. The Council offers no guarantee or warranties concerning the accuracy of the information supplied.

For more information about the contents of this leaflet contact:

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