

Consideration of planning applications at Planning Committee

This leaflet has been prepared to help members of the public understand the way the Planning Committee operates and how they can take part in the proceedings.

The Committee

The Planning Committee is made up of locally elected Councillors. It meets at the Town Hall, Library Street, Wigan. The committee room is accessible for disabled people. There is level access off Hewlett Street and an induction loop is installed to help those people with hearing difficulties.

You will find a map on the back of this leaflet.

The agenda

The Committee has an agenda which includes reports on individual planning applications. These reports have been prepared by the council's officers who make recommendations to the Committee. The Committee then makes the final decision on applications.

A selection of written representations made either in support or against a planning application will be attached to the Committee Report. This will either be on the main agenda, on the supplementary agenda, or included with papers circulated on the day of the Committee.

The officers

Officers from Environmental Services, Legal Services and Chief Executive's Department attend the meeting to help and advise the Committee. Other specialist officers may attend from time to time to deal with specific applications.

Order of business

The order of business does not always follow the numerical order as it appears on the agenda. Items for which members of the public are present are usually dealt with first. It is extremely important therefore that when you arrive at the committee room in the Town Hall you tell the Committee Clerk at the desk which item you are interested in. You will need to say whether you are attending as an applicant, a supporter, or an objector to an application. All speakers will be asked to provide their name and address. There will be a limited number of agendas available at the Committee for members of the public.

Procedure

The running order for each application will be as follows:

- 1 The Chairman will read out the application number, location and proposed development. He will identify appropriate pages on the agenda and draw attention to any additional information on the supplementary agenda or as tabled. **Speakers will not be allowed to hand out any material to Committee.** Any video presentation will be shown at this time.
- 2 The Chairman will ask a representative of the objectors to present a statement explaining why they think the application should be refused. The appropriate time limit will be applied and the Chairman will make this clear to the applicant.
The time limits for different types of application and the number of speakers allowed are set out in the boxes below.

Time limits
<p>Unless the proposal is for an exceptional application only 1 person will be permitted to speak against and 1 person in favour.</p> <p>Up to 2 minutes per speaker for householder and minor applications, which are described as proposals for:</p> <ul style="list-style-type: none">• less than 10 dwellings or the residential development of sites of less than 0.5 hectares;• less than 1,000 square metres of industrial or commercial floorspace or such development on a site of less than 1 hectare;• changes of use of land and buildings;• householder development;• listed building and conservation area consents;• other minor development such as shop fronts; and• certificates of lawful development.
<p>Up to 4 minutes per speaker for major applications which are described as proposals for:</p> <ul style="list-style-type: none">• 10 or more dwellings or the residential development of sites of 0.5 hectares or more;• 1,000 square metres or more of industrial or commercial floorspace or such development on a site of 1 hectare or more.
<p>Up to 8 minutes in total for up to 2 speakers for exceptional applications. These are identified on a case by case basis by the Interim Executive Director Environmental Services. They are likely to include only the most significant scale of proposals.</p> <p>Each application report will show the type of application being considered.</p>

Members of the Planning Committee will not normally ask objectors or supporters questions.

- 3 The Chairman will ask the applicant or their representative or supporter to present a statement explaining why they think the application should be approved. The appropriate time limit will apply and the Chairman will make this clear to the speaker.
- 4 The Chairman will ask the appropriate officer(s) to report on the application. This will include commenting on any factual points raised by the objector or applicant, which are considered to be incorrect or need further explanation.
- 5 The Chairman will give Members of the Committee an opportunity to ask the officer(s) questions.
- 6 The Chairman will announce the opening of the debate on the application.
- 7 After the debate, the Chairman will take the vote on the application. If an application is deferred for a site visit this will normally be carried out immediately before the next meeting of the Committee. Applicants and objectors will be given the details.

Public speaking

8 How should you prepare your statement?

Tell us why you think this planning application should be approved or refused.

Before arriving at the Committee meeting you should prepare a clear, concise statement explaining why you think the planning application you are interested in should be approved or refused.

When preparing your statement, you should try to explain:

- how the proposals comply or conflict with planning policies in the Unitary Development Plan and relevant planning guidance issued by the council;
- whether the proposals will have any affect on neighbouring property and if so what that will be;
- what the main advantages or disadvantages will be for you and the wider community; and
- what evidence you have for your statements.

What matters will the Committee take into account?

The Planning Committee considers all applications on planning grounds only. Our Unitary Development Plan is an important

consideration. Listed below are examples of issues that the Committee can and cannot consider.

It is best to look at these lists before you speak. If you raise issues from the list they cannot look at, then the Committee will not be able to take them into account.

Issues the Committee **can** normally consider:-

- **Overshadowing**
- **Overlooking and loss of privacy**
- **Adequate parking and servicing**
- **Overbearing nature of proposal**
- **Loss of trees**
- **Loss of ecological habitats**
- **Design and appearance**
- **Layout and density of buildings**
- **Effect on listed building(s) and conservation areas**
- **Access and highways safety**
- **Traffic generation**
- **Noise and disturbance from the scheme**
- **Disturbance from smells**
- **Public visual amenity (not loss of private individual's view)**
- **Flood risk**

Issues the Committee **cannot** normally consider:-

- **Loss of value to individual property**
- **Loss of view**
- **Boundary disputes including encroachment of foundations or gutters**
- **Private covenants or agreements**
- **The applicant's personal conduct or history**
- **The applicant's motives**
- **Potential profit for the applicant or from the application**
- **Private rights to light**
- **Private rights to way**
- **Damage to property**
- **Disruption during any construction phase**
- **Loss of trade and competitors**
- **Age, health, status, background and work patterns of the objector**
- **Time taken to do the work**
- **Capacity of private drains**
- **Building and structural techniques**
- **Alcohol or gaming licences**

This table does not show everything, it is meant as a guide to help you when preparing your statement.

Conduct

From time to time debates on planning applications will be lively as they raise issues that Members will feel very strongly about. It is the role of the Chairman to maintain order and discipline. Members of the public can watch proceedings but cannot address the meeting apart from by the procedure described above. And at other times should keep as quiet as possible. If a member of the public interrupts the proceedings or is otherwise disruptive then he or she can be asked by the Chairman to leave the room.

After hearing the Committee's decision on the application(s) that they are interested in, they are welcome to stay and listen to the discussion on other applications.

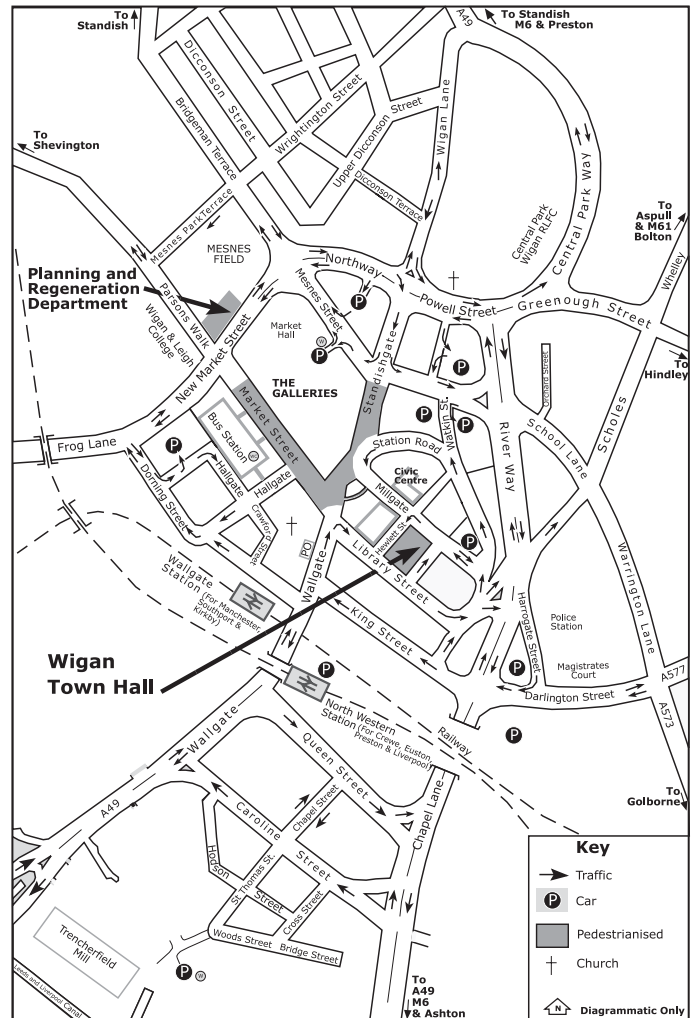
Decisions

Written confirmation of decisions made by the Planning Committee will be sent to all those who made written observations on an application and all those who spoke at the Committee on that application. This will include details of any planning conditions imposed on planning approvals or reasons for refusal. Letters are normally sent out within 10 working days of the Committee meeting.

Appeals

The Committee's decision can be challenged by the applicants on appeal to the office of Communities and Local Government if their application is refused, or if conditions are imposed which they do not agree with. When this happens, anyone who has written about the original application or who has spoken about the application at the Committee will be informed. Third parties, for example objectors, cannot appeal to the Secretary of State against a decision to grant permission.

Wigan town centre



If you have any queries about this procedure or other aspects of the planning service, please address them to the **Interim Executive Director Environmental Services, Civic Buildings, New Market Street, Wigan, WN1 1RP**

**Telephone number:
01942 488234**

**Fax number:
01942 404222**

**Out of hours answerphone:
01942 404301**

www.wigan.gov.uk

How the Planning Committee decide planning applications

The key purpose of Planning

This is to control development in the public interest. The Planning Committee must take decisions on behalf of the whole community.

Decision making

Members of the Planning Committee must make decisions openly, fairly, with sound judgement and for justifiable **planning** reasons.

Members of the Planning Committee cannot act as Ward Members but rather act as representatives of the whole Borough. So, if you need the help of a local Councillor regarding a planning application then you should speak to another Ward Councillor who is not on the Planning Committee.

Members of the Planning Committee are not allowed to make up their minds about a particular application before the application is considered at a meeting of the Planning Committee. Because of this, they will not be able to support your views on any particular application before that meeting. Each Member must come to the Committee meeting with an open mind and listen to all the submissions before deciding how to vote on the matter. If a Member of the Planning Committee has made their mind up beforehand they cannot take part in the decision making process at the Committee.

The Development Plan

The Development Plan for this area is the Wigan Unitary Development Plan and in most cases it is the first consideration when a planning application is being considered. The plan was adopted in January 1996. It is currently being reviewed. The council has published a Revised Deposit Draft Replacement Plan in February 2004. Reports to Committee will refer to both the adopted and the Draft Replacement Plan.

Material planning considerations

In addition to the Development Plan, the Planning Committee must also consider what are known as material planning considerations. Examples of these are the number, size, and layout of a development, siting, design, external appearance, access, infrastructure, landscaping and impact on the neighbourhood.

Views of local residents must also be considered but local opposition or support on its own is not a reason for refusing or granting planning permission. Opposition or support must be backed up by valid **planning** reasons.

The government regularly issues Statements of Planning Policy and these are known as Planning Policy Guidance Notes (PPG's). These are also material planning considerations and the Planning Committee must take them into account when reaching planning decisions.

In addition to the PPG's, government policies and advice are also provided in circulars, technical documents and ministerial statements. The Planning Committee must also consider these.

Many planning applications become the subject of court proceedings. The Planning Committee must take the courts decisions into account as they are also material planning considerations.

Expert advice

Members of the Planning Committee regularly receive advice from experts, for example planning officers, traffic experts, lawyers, environmental health officers and those experts in ecology, archaeology and drainage. The Planning Committee does not have to accept the advice of these experts. But if it does not do so it must show strong planning grounds for making its decision and have evidence to support that decision if it was challenged either on appeal or through the courts.

Appeals and challenges

When making its decisions the Planning Committee must act reasonably at all times and be able to support any decisions it makes if those decisions are challenged. If the Planning Committee refuses an application for planning permission the applicant can appeal against that decision to the Planning Inspectorate. If in making its decision the Planning Committee is found to have acted unreasonably then substantial costs can be awarded against the council.

In some circumstances the decisions of the Planning Committee are also open to challenge in the High Court. The procedures by which decisions are reached, but not the decisions themselves, can be subject to investigation by the Local Government Ombudsman.
