

Planning Considerations

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Radnage Parish Council, Radnage Village Hall

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Aim of the session

To help parish councillors be clearer about:

- Material Planning Considerations.
- Making representations.
- Planning Enforcement and Compliance.



Context

Making sound planning decisions:

- Planning isn't just about stopping bad stuff from happening.
- It's proactive, through the **Local Plan** and **pre-application** advice it encourages development that delivers:
 - the right things.
 - in the right places.
 - at the right time.



What is “development”?

The definition of “development” is set out in Section 55 of the Town and Country Planning Act 1990.

Basically it falls into two part:

Operational Development, (building things) and,

Change of Use.

What is “Permitted Development”?

It is set out in **The Town and Country Planning (General Permitted Development) Order 2015.**

- 19 separate “classes” of things that are permitted subject to conditions and limitations.
- Works either meet the conditions of permitted development or not: its nothing to do with the planning merits.
- So if its PD the Council has no control over it and our adopted planning policies don't apply.

What is “Permitted Development”?

- As a result of planning “deregulation” what is permitted development has been greatly expanded (around 162 pages).
- Prior Approval: Some require you to “notify” the Local Planning Authority first:
 - **Agricultural PD,**
 - **Telecommunications PD,**
 - **Some house extensions,**
 - **Change of use from Offices to Houses,**
 - **Agricultural to Houses,**
 - **Agricultural to Shops, etc.**

Different Types of Planning Application

The government “categorise” planning permissions by their scale.
So a full planning applications can be:

— Major:

- 10+ dwellings / over half a hectare
- Office / light industrial - 1000+ m² / 1+ hectare
- General industrial - 1000+ m² / 1+ hectare
- Retail - 1000+ m²/ 1+ hectare
- Gypsy/traveller site - 10+ pitches

— Minor:

- 1-9 dwellings / under half a hectare
- Office / light industrial - up to 999 m²/ under 1 hectare
- General industrial - up to 999 m²/ under 1 Hectare
- Retail - up to 999 m²/ under 1 hectare
- Gypsy/traveller site - 0-9 pitches.

— Other:

- Householder applications
- Adverts
- Listed building extensions / alterations
- Listed building demolition
- Notifications

Different Types of Planning Application

- **Full planning permission.**
- **Outline Planning Permission.**
- **Reserve Matters:** can include:
 - **appearance** - the way it looks/ the exterior of the development .
 - **means of access** - routes to and within the site.
 - **landscaping** – trees, hedges and hard landscaping such as paving.
 - **layout** - the way the development is laid out in relations to buildings and spaces outside the development.
 - **scale** - size of the development.
- **Retrospective planning permission.**
- **Non-Material Minor Amendment (28 days).**
- **Variation of a Planning Condition.**
- **Householder Planning Applications.**

Other Applications, Consent and Notifications.

As well as “planning permission” we also deal with:

Applications:

- Advert Consent,
- **Listed Building Consent,**
- Certificates of lawfulness of existing use or development,
- **Certificates of lawfulness of proposed use or development, etc.**

Notifications:

- Hedgerow removal notices,
- **Works to trees protected by a TPO,**
- Works to trees in a Conservation Area,
- **Agricultural and forestry buildings and operations.**
- Telecommunications.
- **Various different permitted development prior notifications.**

Different Types of Application

There are over **50** different types of application and notification.

All with different timescales and legal criteria.

How do I comment?

- Comments can be made directly into “Public Access”, or emailed.
- Comments should address only planning issues.
- Any comments, emails, etc, received are public documents.
- They will usually be published on the website, but if not are still available for public inspection.

What should you say?

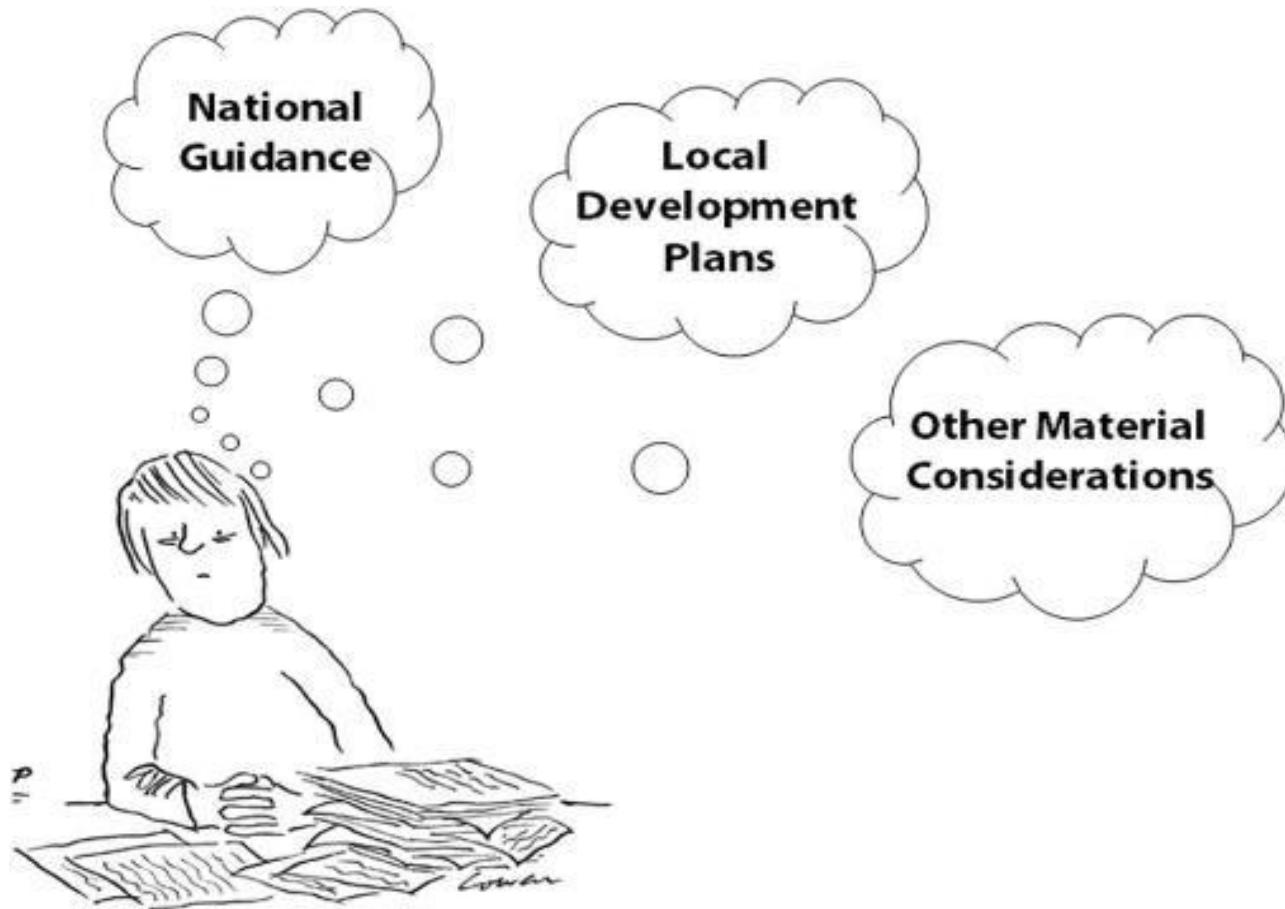
- Depends on what type of application it is.
- What issues (relevant considerations) do you feel should be considered and why?
- Explain why you think it is acceptable or unacceptable (provide any evidence you have to support your views).
- You do not need to quote policies, it's identifying the issues that is important.

It is not any form of public “vote”



The number of letters of representation for or against does **NOT** influence the outcome of the application

What has to be taken into account?



What has to be taken into account?

S70 Town and Country Planning Act:

In dealing with applications, the authority shall have regard to:

- (a) The provisions of the development plan insofar as they are material.**
- (b) Any local finance considerations, so far as they are material to the application.**
- (c) Any other material consideration.**

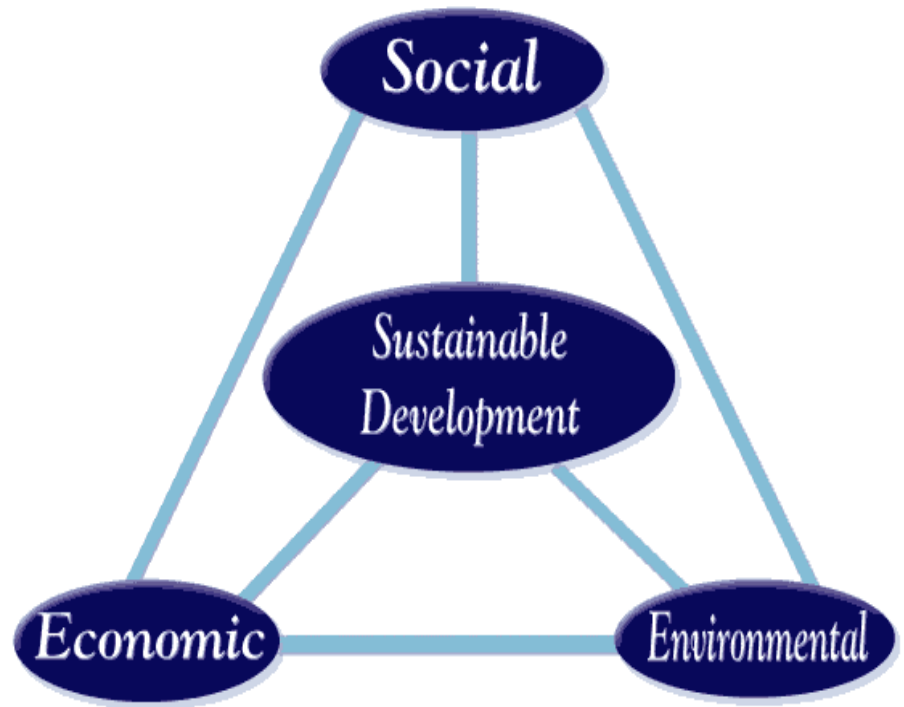
What has to be taken into account?

National Planning Policy Framework

At the heart of the National Planning Policy Framework is

a presumption in favour of sustainable development

which should be seen as a golden thread running through both plan-making and decision taking.



What has to be taken into account?

The NPPF says that local planning authorities should:

- **Approve development proposals** that accord with statutory plans **without delay**;
- Positive planning, “***look for solutions rather than problems***”.
- Growth agenda – “***significant weight.... to support economic growth***” through planning.
- Transport – refuse only where “**severe impact**”.

What has to be taken into account?

The screenshot shows the homepage of the National Planning Policy Framework and Planning Practice Guidance website. The header features the title 'Planning Practice Guidance' and navigation links for 'National Planning Policy Framework', 'Planning Practice Guidance', and 'About'. A search bar is located in the top right. The main content area is divided into two columns. The left column, titled 'The National Planning Policy Framework', provides an overview of the framework published on 27 March 2012 and lists 13 numbered sections: Ministerial foreword, Introduction, Achieving sustainable development, Building a strong, competitive economy, Ensuring the vitality of town centres, Supporting a prosperous rural economy, Promoting sustainable transport, Supporting high quality communications infrastructure, Delivering a wide choice of high quality homes, Requiring good design, Promoting healthy communities, Protecting Green Belt Land, Meeting the challenge of climate change, flooding and coastal change, Conserving and enhancing the natural environment, Conserving and enhancing the historic environment, and Facilitating the sustainable use of minerals. The right column, titled 'Planning Practice Guidance', states that the guidance has been revised and updated for accessibility and lists various topics: Advertisements, Air quality, Appeals, Before submitting an application, Climate change, Conserving and enhancing the historic environment, Consultation and pre-decision matters, Crown Development, Design, Determining a planning application, Duty to cooperate, Ensuring effective enforcement, Ensuring the vitality of town centres, Environmental Impact Assessment, Flexible options for planning permissions, Flood Risk and Coastal Change, Hazardous Substances, Health and wellbeing, Housing and economic development needs assessments, Housing and economic land availability assessment, Land affected by contamination, Land Stability, and Lawful development certificates.

Planning Practice Guidance

National Planning Policy Framework | Planning Practice Guidance | About

Welcome to the home of the National Planning Policy Framework for England and planning practice guidance.

For the first time, planning practice guidance is easily accessible and available online.

[Find out more about this new web-based resource.](#)

[Find out how to contact us or send us your feedback.](#)

Search for

The National Planning Policy Framework

The National Planning Policy Framework was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied.

- Ministerial foreword
- Introduction
- Achieving sustainable development
 - 1. Building a strong, competitive economy
 - 2. Ensuring the vitality of town centres
 - 3. Supporting a prosperous rural economy
 - 4. Promoting sustainable transport
 - 5. Supporting high quality communications infrastructure
 - 6. Delivering a wide choice of high quality homes
 - 7. Requiring good design
 - 8. Promoting healthy communities
 - 9. Protecting Green Belt Land
 - 10. Meeting the challenge of climate change, flooding and coastal change
 - 11. Conserving and enhancing the natural environment
 - 12. Conserving and enhancing the historic environment
 - 13. Facilitating the sustainable use of minerals
- Plan-making
- Decision-taking
- Annex 1: Implementation
- Annex 2: Glossary

Planning Practice Guidance

We have revised and updated planning practice guidance to make it accessible.

- Advertisements
- Air quality
- Appeals
- Before submitting an application
- Climate change
- Conserving and enhancing the historic environment
- Consultation and pre-decision matters
- Crown Development
- Design
- Determining a planning application
- Duty to cooperate
- Ensuring effective enforcement
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- Environmental Impact Assessment
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- Housing and economic land availability assessment
- Land affected by contamination
- Land Stability
- Lawful development certificates

National Planning Policy Guidance (NPPG)

What has to be taken into account?

The WDC Development Plan

- **Delivery and Site Allocations Plan (2013).**
- **Core Strategy (2008)**
- **Local Plan (2004)** some saved policies/ some deleted.
- Adopted Neighbourhood Plans

Bucks County Council

- **Minerals and Waste Local Plan (2006) + Core Strategy (Nov 2012)**



Other Material Considerations

- what they are and are not - decided by statements of national policy or by decisions of the courts.
- the weight that should be attached to each consideration in any particular case is for the decision maker.



What has to be taken into account?

Other Material Considerations

Matters (of public interest) which can be taken into account: (although the list is not exhaustive).

- Loss of privacy
- Loss of light
- Car parking
- Traffic generation
- Noise and disturbance
- Character of the area
- Green Belt
- Conservation Area
- Design, appearance and layout
- National and local policies

Green Belt

- NPPF sets out the **purposes of including land in Green Belts** and specifies the **objectives for the use of land in Green Belts**.
- The **presumption against inappropriate development** is central to development management in the Green Belt (not landscape quality).



Chilterns AONB

- NPPF reconfirms the government's commitment to provide the highest level of protection for landscapes in National Parks and Areas of Outstanding Natural Beauty (AONB).

Main objectives of AONB:

- To conserve and enhance natural beauty
- To increase public understanding and enjoyment of the special qualities of the area
- To foster social & economic well-being of local communities

What has to be taken into account?

Other Material Considerations

Private Interests or matters covered by other legislation cannot be taken into account:

- Loss of value to property
- Loss of view
- Personal disagreements
- Boundary disputes
- Covenants
- Commercial competition
- Construction Disturbance
- Sunday trading
- Matters controlled under other legislation such as Building Regulations & Environmental Health

Making a Decision

Weighing It All Up

- Development Plan
- Presumption in favour
- Other material considerations



Questions