

PPS PLANNING - GUIDE TO COMMENTING ON PLANNING APPLICATIONS

Getting involved in the planning process is about more than just objecting. Supporting a proposal or suggesting amendments or conditions that will alleviate your concerns are just as important.

All comments should be based on evidence and it is important to understand precisely what is being proposed and the potential impact this may have. Before making any comments make sure

you have viewed the plans and discussed any queries with the planning/case officer. Plans can be viewed at the local planning authority's offices or electronically on the local planning authority's website.

More and more developers are consulting communities on proposals prior to submitting planning applications and it is important that you take this opportunity. The local planning authority will always try to balance the benefits and impacts of proposed developments or changes of use - taking account of planning policy and consultation responses. Your views on a proposal, whether in support or opposition, are important to the decision making process. Whether it is a small extension, a new factory or supermarket or the redevelopment of a town centre, the impact (positive or negative) on you and on the wider environment is something that will be taken into consideration.

Planning authorities recognise that you know your own area and they want your insight into the potential effects of the development on you and your neighbourhood - but it is your responsibility to present a clear case within the timescale allowed.

Here are some tips to help you

1. Look at all the documentation - on line or at the planning office. It is important that you understand exactly what is proposed.
2. Examine the planning, 'design & access statement' if one is submitted with the application. Note photographs and illustrations in the statement as these are presented so as to flatter the proposal and make the case for the scheme. Question any photographs or illustrations that do not accurately reflect the site and surroundings (e.g. trees, traffic levels and parking) and what is actually proposed in the application scheme (e.g. protection and planting of new trees).
3. Note who has been consulted on the application; neighbours and other agencies, services of the Council (e.g. highways). Has there been sufficient consultation and do others' correspond with your own views?
4. Decide whether you object to the proposals overall or just to certain elements. If you object some aspects, state what changes would overcome your concerns. Find out if your objections or concerns are shared by others. If so consider making a joint case.
5. Write down your grounds for objection but bear in mind they must be based on sound planning reasons and they must be evidenced if they are to carry weight. (See below for advice on what grounds you may or may not object.)
6. See how the proposals and your concerns stack up against Government planning policy (e.g. the National Planning Policy Framework) and local policy (the current Development Plan / Local Plan / Neighbourhood Plan). In reaching a decision on the application the local planning authority must have

- regard to the local plan. (Local planning policies will be on the Council's web site.*1 and the planning officer dealing with the application office should be able to help you identify relevant policies.)
7. Check out the planning history of the site (i.e. decisions on previous applications) and look at related decisions elsewhere. Quote these if they help your case.
 8. If necessary now refine your objections and quote policies that might support your case.
 9. Ensure you submit your objection before the deadline (normally 21 days from registration of the application, on the web site (*2), letter or e-mail. Verbal comments are not accepted.
 10. Avoid petitions as these are rarely helpful. It's far better for objectors or supporters to write their own comments.
 11. Ask the case/planning officer when and how the decision will be made. Is it going to be made by councillors at Planning Committee or dealt with by planning officers under delegated powers?
 12. Track progress on the application to keep abreast of any changes. The applicant may make amendments and submit supporting documents to the scheme in response to Council advice. If you've registered your comments, you should be re-notified if the application is significantly altered.
 13. If there are technical reports prepared in support of the application, don't be put off. Sometimes these look more impressive than they are. There is often an executive summary. You may need to get your own expert advice to challenge such reports though.
 14. Involve a local councillor and if they generally support your case, ask them to speak for you at the planning committee meeting.
 15. Get a copy of the case planning officer's report and check the case officer's report summarises your points adequately. They have to give a balanced account of representations received (for and against). If you feel your comments haven't been taken into account, write to the Chairman of the Planning Committee and the planning/case officer about your concerns(*3)
 16. Find out if you can speak at the planning committee meeting. If you represent a group, come prepared with supporters/observers. Bear in mind only one objector may be allowed to speak. Rehearse what you want to say, and ensure it reflects the views of all fellow objectors. Use the time allocated (normally 2-3 minutes) to summarise your case ensuring your comments are not personal and are about the planning issues. Don't waffle. The applicant will be allowed to speak also.
 17. If an appeal is lodged against a refusal of planning permission, and you were consulted on or made comments on the original application, you will be notified of the appeal and can make representations to the Inspector. For more advice on Appeals procedures check the Planning Inspectorate web site. <http://www.planningportal.gov.uk/planning/planninginspectorate>
 18. You can challenge a decision to approve an application through the courts (to have the decision quashed) or if the proper procedures are not followed you can refer the matter to the Local Government Ombudsman who can investigate whether Council is guilty of maladministration. These are rare occurrences.

*1 Usually web pages dealing with planning policy are separate from the web pages which give information about planning applications (search for: the development plan, local development framework, local plan or planning policies). Some plans are very lengthy and it can take time to find relevant policies. Also look out for 'Supplementary Planning Documents' which expand on the key policies. Remember consultation will have already been carried out on local planning policies so it will be difficult for the Council to refuse an application which conforms to approved policies.

*2 You will need to register with the Council and provide your name and address. Comments made will be publicly available. They cannot be treated as confidential or anonymous. Prepare your written case properly before completing the reasons for objection on the on-line form. You can amend it later but this can get messy.

*3 The Committee agenda with the officers' reports will be available at least five working days before the Committee meeting and should be available on the Council's web site.

ON WHAT GROUNDS CAN I OBJECT?

Planning applications and accompanying documents, such as the 'Design and Access Statement' should describe the location, the site and its appearance, how the development or use will function, and its relationship with neighbours and neighbouring uses. These are the key aspects to consider when assessing the proposal's potential impact.

You need to be clear whether you object to the proposal in principle or just some aspects. In any event, it is essential that your comments are based on sound planning reasons or 'material considerations'.

The list below sets out those material considerations (but is not exhaustive). Many objections are submitted on grounds that are not valid or material planning considerations and these are listed separately. You should be clear that the planners, councillors and planning inspectors are not allowed to take them into account.

WHAT ARE MATERIAL PLANNING CONSIDERATIONS?

AMENITY AND DESIGN CONSIDERATIONS

These relate to what the development will look like and its impact on the area and neighbours.

- Harm to the residential amenity of neighbours, due to noise*, disturbance*, overlooking, loss of privacy, overshadowing or loss of light, etc.. (*this does not include noise or disturbance arising from the construction works).
- Unacceptably high density / overdevelopment of the site, especially if it involves loss of garden land or the open aspect of the neighbourhood (so-called 'garden grabbing').
- Harm to the visual amenity of the street scene or area due to poor design (too big/overbearing, too high, out of scale compared with existing development in the vicinity, poor design detailing (e.g. design of elevations, windows, roofs, use of materials, colour, etc.).
- Harm to the character of the area or neighbourhood (e.g. harm to positive local features or local identity).
- Incompatible or unacceptable uses.

BUILDING CONSERVATION ISSUES

These relate to the impact of development on conservation areas, listed buildings, archaeological sites and ancient monuments.

- Harm to the character and appearance of a 'conservation area'.
- Harm to the setting of a 'listed building'
- Harm to other buildings and structures of heritage value

TRAFFIC AND MOVEMENT CONSIDERATIONS

These relate to the impact of the development on highway safety or the convenience of road users (but only if there is technical evidence to back up such a claim).

- Poor position, design / standard of vehicular access (risk to highway and pedestrian safety, impact on neighbours and neighbouring uses).
- Impact of traffic likely to be generated on nearby road junctions (safety or other traffic impact).
- Inadequate or excessive parking provision (impact on nearby on-street parking, safety, visual intrusion, site layout).

- Lack of provision for pedestrians and cyclists, and access to public transport facilities (development not accessible by sustainable transport modes).
- Harm to existing routes, (roads, footpaths, cycle paths, etc.)

LANDSCAPE AND WILDLIFE ISSUES

These relate to the impact of proposals on the natural environment.

- Loss of or harm to trees, especially protected trees.
- Harm to other protected or high value landscape features, e.g. ponds, hedges etc..
- Harm to nature conservation interests & biodiversity opportunities (i.e. wildlife and wildlife features, (especially protected habitats, areas and species)
- Harm to the wider landscape (natural value and visual amenity).

OTHER TECHNICAL CONSIDERATIONS

These relate to technical matters which are normally addressed with other agencies as part of the planning application process.

- Local impact of surface water run-off on land and property
- Greater risk of flooding due to inadequate flood risk assessment or measures to address potential flooding.
- Impact on capacity of drains and sewers.
- Development does not meet energy efficiency / renewable energy standards.
- Development does not address land stability and ground contamination problems.

PLANNING HISTORY

Each planning application should be treated on its merits but the past decisions may well have a bearing on new applications and will indicate what has previously been granted or refused. Also, applications for similar development or uses may have been resisted or approved on other sites and may be relevant.

- Planning applications granted.
- Planning Applications refused.
- Conditions imposed on planning permissions.
- Enforcement actions taken.
- Previous appeal decisions and planning Inquiry reports.
- Principles of Case Law held through the Courts.

POLICY CONSIDERATIONS

The local planning authority is required to take account of published planning policies in reaching a decision on every planning application. In the case of small developments (e.g. house extensions) there may be only one or two relevant policies. In the case of other developments and changes of use, several policies may be relevant and the planning authority will need to consider these and balance those policy considerations against other material considerations. The Government has made clear that Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

Therefore if you wish to object in principle to development that would appear to comply with policy, you will need to have very strong grounds. If, on the other hand the policies support your case, you should quote them in your objection.

Where there are no policies relevant to the application or relevant policies are out of date when making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account of the material considerations listed above.

Planning policies are set at the national, regional or local level within a variety of documents:

- The '**National Planning Policy Framework**' (NPPF), approved March 2012. This provides national guidance to local councils in drawing up local plans and on making decisions on planning applications. The NPPF deals with national planning policy on matters such as: the economy, town centres, transport, housing provision, conservation and green belt. See: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf
- **National 'Planning Policy Statements' (PPSs) and Circulars**. Previous planning policy statements have replaced by the NPPF with the exception of those relating to Minerals and Waste, and PPS5 'Planning for the Historic Environment'. There are a number of circulars and guidance notes that provide guidance or clarification on various matters. The full list can be seen on: <http://www.planningportal.gov.uk/planning/planningpolicyandlegislation/currentenglishpolicy>
- Policies expressed in approved **Local Development Plans**. These are plans prepared and approved by local planning authorities. They include Unitary Development Plans, Local Plans and Neighbourhood Plans. These are the statutory documents that set out local planning policies to guide and promote development over a 10-15 year period. These plans must conform to the NPPF.
- Policies contained in draft or emerging Development Plans (i.e. Local Development Plan documents that are under preparation). Policies in emerging plans will carry little weight unless the plans are at an advanced stage and the relevant policy is not the subject of substantial objections.
- Policies expressed within **Supplementary Planning Documents** and other published planning policies or guidance documents approved by the Authority. These are prepared in order to expand on local plan policies and to give guidance on their implementation. They are prepared for certain types of development (e.g. affordable housing), or a specific area (e.g. area requiring protection or area for redevelopment/regeneration), or to provide guidance on infrastructure requirements and developer contributions (e.g. provision of open space in new development, flood management, transport improvements etc.) Local 'Design Guides' will be especially relevant if you are looking to object to the visual impact of a development.

Policy matters to look out for when assessing proposals:

- Is the site allocated in a local plan for the proposed use?
- If not, which local plan policies are relevant to the type of proposed development e.g. housing, employment uses, shopping etc., and do they encourage or discourage development in that location?
- Are there policies which impose environmental safeguards on new development (e.g., protection of areas of nature conservation importance, design policies, flood management policies) and would they require certain studies or surveys to be carried out to demonstrate acceptability?
- Is the land protected from development (e.g. green belt) or open space?
- What does the local development plan say about how the local area should develop / change?
- What relevant supplementary planning documents are relevant and what do they say?

WHAT ARE INVALID OR NON-MATERIAL PLANNING CONSIDERATIONS?

People sometimes raise objections on non-planning grounds, which cannot be taken into account because they are outside the control of planning legislation. The following examples are not material planning considerations:

- Matters controlled under the Building Regulations' or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc...
- Private issues between neighbours e.g. land/boundary disputes, damage to property, rights of access, contravention of legal covenants, etc..
- Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts).

- Opposition to the principle of development when this has been settled by an outline planning permission or appeal.
- The applicant's personal circumstances (unless exceptionally and clearly relevant, e.g. provision of facilities for someone with a physical disability); e.g. the racial or ethnic origin of the applicant, their sexual orientation, religious beliefs, political views or affiliations or any other personal attributes; any profit likely to be made by the applicant; the behaviour of the applicant.
- Previously made objections/representations regarding another site or application.
- Factual misrepresentation of the proposal.
- Opposition to business competition.
- Loss of view.

CAN I REQUEST CHANGES TO PROPOSALS?

If you do not object to the proposal in principle but wish to see the proposal changed or conditions imposed on the planning permission in order to overcome your concerns, you can comment on that basis. For example, you may request:

- A smaller building or extension, or a set back or further away from your boundary.
- Conditions to control the hours of operation.
- The use of obscure glazed windows to overcome privacy problems
- Controls over the precise use of a building.
- Good quality boundary treatment, whether walls or fences to a privacy height.
- A temporary permission be given to assess the impact and operation of the proposed development before a permanent permission is given.
- A personal permission to restrict development to a named individual.

WHAT IF I NEED MORE HELP TO MAKE COMMENTS OR OBJECTIONS?

If you feel you need professional help with any of the following, contact PPS Planning Manchester:

- understanding and interpreting the proposals and their impact
- assessing the proposal's weaknesses
- identifying clear planning grounds for objection
- negotiating with the Council or applicant to amend the proposals
- engaging with the local community (residents or businesses) to make a response
- submitting your objections
- attending the planning committee meeting
- representing you at a planning appeal or hearing.

We will advise you on the strength of your objections and ensure that they are presented in a style that the local authority planners and the inspector will take notice of. It needn't be expensive. Two or three hour's professional time may be enough to support objectors in making the best case possible. Prices start from £60.

T: 0161 665 2492

E: info@pps-planning.co.uk (Comment on this guide. Did you find it useful?)

W: www.pps-planning.co.uk