

## Clifford Chambers & Milcote PC & Planning Applications

Article 13 of the Town & Country, Order 2015 requires that Stratford District Council inform the PC of any planning applications in our parish.

As statutory consultees the PC can respond by way of *No Representation, Support or Objection*. This response, which should be within 21 days, must be the corporate view of the PC and is submitted to SDC through the Clerk. These responses should be based on material considerations in line with the *National Planning Policy Framework (NPPF)* and the current *SDC Core Strategy*.

Should the PC object to a planning application it would normally go before the relevant committee and not be determined by the Case Officer under delegated powers.

### Material planning considerations

Comments should be clear, concise and accurate to stand more chance of being accepted and can include (but not limited to):

- Government Policy – NPPF, along with any reviews
- The Development Plan – Core Strategy, along with any reviews
- Statutory/ Non-Statutory agencies (e.g., Environment Agency, Highways)
- Representations from others on land matters.
- Character of an area, availability of infrastructure, density, over-development, layout, position, design, landscaping etc.
- Safeguard valuable resources such as good farmland or mineral reserves.
- Highway safety issues - such as traffic generation, road capacity, means of access, visibility, car parking and effects on pedestrians and cyclists (includes disabled)
- Public services - such as drainage and water supply
- Public proposals for using the same land
- Overlooking/loss of privacy, daylight/sunlight or overshadowing
- Effects on a specially designated area or building - such as green belt, conservation areas, listed buildings, ancient monuments and areas of special scientific interest.
- Effects on existing tree cover and hedgerows.
- Nature conservation interests for protected species
- Public rights of way
- Flooding/drainage or pollution.
- Planning history of the site - including existing permissions and appeal decisions.
- Retain or promote certain uses - such as playing fields, village shops and pubs.
- Need for the development - such as a petrol station
- Prevention of crime and disorder
- Presence of a hazardous substance directly associated with a development
- Human Rights Act
- Precedent - but only where it can be shown there would be a real danger that a proposal would inevitably lead to other inappropriate development (for example, isolated housing in the countryside)

## **Irrelevant reasons for objection**

Non- Material Planning considerations, under current legislation and guidance, cannot be taken into account in considering a planning application:

- Speculation over future use
- The identity of the applicant or occupant
- Unfair competition
- Boundary disputes, property rights, covenants and personal rights of way
- Loss of a private view
- Devaluation of property
- Other financial matters
- Matters controlled by other legislation - such as internal space standards for dwellings or fire prevention
- Religious or moral issues - such as betting shops and amusement arcades
- The fact that the applicant does not own the land to which the application relates
- The fact that an objector is a tenant of land where the development is proposed
- The fact that the development has already been carried out and the applicant is seeking to regularise the situation. (People can carry out development at their own risk before applying for retrospective planning permission)
- The developer' motives, record or reputation.
- Strength or volume of local opposition if not on material issues (e.g., Petitions)

## **Determination of a planning application**

The final decision is made by the Planning Authority (SDC) and not the PC. In most cases this is within 8 weeks before the applicant gains the right of an Appeal if the application is refused. The Council cannot refuse an application without good reason as it may not be supported at appeal and then it may have to pay costs.