

Part 2 - Major Planning Applications

This is the second of my articles on planning applications – how to understand them and how to comment. Last time I dealt with minor applications and how they are advertised – or not advertised enough as some would protest – and how you can submit any comments, whatever the council website says, right up to the date of determination of the application. In this article I'll deal with major applications and what the 'material considerations' are which you need to deal with when sending in a comment.

A 'major' application is one involving more than ten houses, or a housing site of more than 0.5 hectares, or the provision of a building of more than 10,000 square metres floor space, or development on a site of more than 1 hectare (and some other mineral mining rights and waste disposal activities dealt with by the County Council). Unlike minor developments, which should be determined in 8 weeks, major developments have a 13 week period. This can be further extended by mutual agreement with the applicant without incurring any penalty on either side. Solar parks, poly tunnels and very large, or groups, of farm buildings tend to be caught in the major category.

Advertisement of a major application is more stringent than a minor application as there has to be a notice in the local paper as well as a site notice and the application details on the council website, but it is still not obligatory to notify immediate neighbours. The consultation period is the same three weeks for major and minor applications.

What then do you need to say when you send in comments? You can quote policy, national and from the local plan to back up your comments, but the weight given to these will vary from case to case - more on that another time. Only "material considerations" can be taken into consideration. These include: loss of light or overshadowing, overlooking or loss of privacy if worse than the general standard in the area, visual amenity (but not loss of a private view) caused by the size, siting design and materials used, adequacy of parking or turning, highway safety, traffic generation, noise and disturbance resulting from use but not the construction period, hazardous materials, smells, loss of trees, layout and density of building, design appearance and materials, landscaping, road access, disabled persons' access to the building, previous planning decisions (including appeal decisions), nature conservation, archaeology.

Usually any objections on highway or parking grounds will need to be backed up by an objection from the County Highways Dept. for the matter to be refused. Even fairly large developments create relatively few extra trips in overall terms, so often it appears that Highways are not being very helpful. In fact most of our roads can carry far more traffic than we laymen think. Loss of a view may arguably affect amenity in a seaside village, but it may well be possible to couch your objection in other terms to carry more weight since there is no right in planning to a view. Design, appearance and materials are not used enough in comments. Modern design can be quite acceptable when both are right, but too often applications seem to have too little regard for the surrounding buildings. Layout and density really only apply to major developments. You are unlikely to make much headway with 'overdevelopment' within the village boundary, so think of other words!

The following are not 'material considerations' and even though they may seem important to you, they are not within the planners' remit to consider: the perceived change in property value, private neighbour disputes, loss of a private view, the impact of construction work or competition between firms, restrictive covenants, ownership disputes over rights of way, fence lines, personal morals or views about the applicant, and permitted change of use or permitted development as a result of Government statutory instruments. You will observe that some of these are legal matters, which, if they affect you, may mean you need a solicitor to help you. The final one, changes in the general permitted development orders, is a fast changing subject at the moment. It means that certain changes do not require planning permission. This can be controversial because no public consultation is required. Some barn conversions now come into this category.

What I haven't dealt with here is comments about the effect of a proposal on listed buildings or a conservation area. This will be for next time.

Judy Pearce