



Chiseldon Parish Council

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Parish Councillors guide to responding to planning applications. January 2021

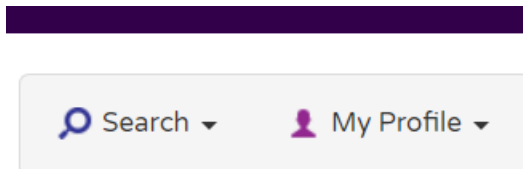
Planning tips for Councillors

Objecting to an application:

If the committee vote to object to a planning application, then the following steps may assist you in planning your response to SBC.

In no order of priority:

- Review all comments provided by consultees to the application- whether they are from Conservation, Highways or Drainage – they may have points you can use within CPC’s response.
- Look for other applications within the same area that may have been refused. The reasons for refusal may be the same reasons that you feel this application should be refused. Go to: www.swindon.gov.uk/planning, take the “View or Comment on a planning application” option and take the Public Access option. You can search for a street name, postcode, or take the option below and choose map search.



- Check the Chiseldon, Hodson or Badbury Conservation documents if relevant to see if these documents list reasons why an application should not go ahead. These documents were created by SBC so should be available on their website. Got to:
- https://www.swindon.gov.uk/info/20059/land_and_premises/373/find_out_about_conservation_areas

- Go to www.swindon.gov.uk and look for the latest approved version of the "Swindon Local Plan" document. This details the approved planning and design elements that Swindon Borough Council use as their guidebook and benchmarks. You may find an element of the planning application contravenes the Local Plan guidance.
- Look at the "National Planning Policy Framework – NPPF" document. This is a Government document detailing how local authorities should aim to be approving or rejecting development in their area.
- Visit the North Wessex Downs Area of Outstanding Natural Beauty website <https://www.northwessexdowns.org.uk/> as the Parish of Chiseldon is within this area and the AONB will themselves object to planning applications they feel will harm the area of the AONB. You may find information on their website to assist you.
- Consider the reasons you are objecting – they need to be backed by planning law to have an effect. Loss of view cannot be considered as a valid objection for example; however loss of daylight and sunlight can be used. (See below)
- You cannot use a future concern over an application as a reason why an application should be rejected, e.g. "We object to this property having an extension for 2 extra bedrooms as we fear it will be turned into an Air BnB in the future", or "We object to these 10 houses being built as it will then encourage other landowners to build properties in the area".

Providing constructive feedback.

As part of an objection the committee may wish to highlight specific areas that could be adjusted to make an application more likely to be supported. Such as:

- Alterations of external materials used to be sympathetic to the local environment
- Adjusting the height and scale of a build to fit the surroundings
- Reducing the housing density where the applicant is proposing more than 1 dwelling
- Considering specific neighbouring objections – how the applicant could overcome loss of light, overlooking, crowding at property boundary etc.
- Parking considerations
- Drainage and flood concerns

The Committee can advise SBC that should these issues be resolved then they'd be minded to support the application, subject to reviewing revised plans.

Support an Application

If the vote is to support an application (No Objection) then a response detailing why the application is supported may be of use, to the public, the applicant and also SBC planning department.

This can almost be the reverse of the points listed below in the objection section.

You can:

- highlight where it supports and is sympathetic to the AONB
- highlight where it conforms to the Swindon Local Plan
- highlight where it conforms to the NPPF document
- Show how it has benefit or lack of harm to the surrounding area
- Indicate appropriate design features and going beyond the minimum – providing additional off-street parking or extra planting as screening for example
- Indicate where sensitive design has been used for a Conservation Area.

The Committee could also offer the stance that an application is supported "so long as....." a specific issue was resolved.

This is where an application could be approved but one or two minor issues are causing a problem – position of windows overlooking neighbour's to be fitted with frosted glass, driveway parking to be extended for more vehicles, extension to be re-positioned to be X distance away from neighbouring boundary.

“No Comment” on an application

It should be carefully considered why the committee may want to use “no comment” as feedback on an application.

Overall the Committee should usually be more in favour or against a proposal than have a neutral position.

Considering either an objection with assisting comments for mitigation, or a proposal to support an application with caveats for proposed improvements should be considered before taking the “no comment” option.

List of planning considerations and items that cannot be considered under planning law:

Material - Can be considered

- Government Policy and Guidance
- Local Development Plan Policy and Guidance
- Highway Safety and Traffic
- Design, appearance and layout
- Effect on the level of daylight and privacy
- Conservation of buildings, trees and open land
- Need to safeguard the countryside
- Noise disturbance and smells
- Environmental impact

Non- Material - Can't be considered

- Effect on the value of the property
- Loss of a private view
- Problems caused by building works
- Matters covered by other laws
- Private property rights/covenants¹
- The developer's morals, motives or past record
- Possible future development
- The fact development may have started / Retrospective
- Trade objections based on competition
- Moral objections

¹ A covenant could be pursued privately but this could not be considered by SBC Planning, or by the Parish Council.

Householder Checklist

| | |
|--|---|
| Impact upon street scene | <p>Too Large Too Prominent Out of Character Introduces alien features Materials Fenestration (windows / doors) Effect upon planting / landscape features e.g. protected trees</p> |
| Impact upon host building | <p>Design Materials Scale / height Bulk Mass</p> |
| Overbearing impact upon neighbours | <p>Location / proximity Orientation Loss of daylight Loss of sunlight Scale / bulk / mass</p> |
| Loss of privacy / overlooking | <p>Views into habitable/ sensitive rooms Views into private amenity space Separation distances Windows on or close to boundary</p> |
| Over-development | <p>If 'too large', what is the impact? Extensions larger than guideline may be ok if no harm is caused Scale / Bulk/ mass / character</p> |
| Parking / Access | <p>Is Parking adequate / unusable Does provision accord with standards, if not, are there any mitigation measures? Can alternative provision be made? Is access safe</p> |
| <p>Accord with policy DS6, NPPF, House Extensions SPD, Parking Standards</p> | <p>May satisfy some but not all Duty to consider all material considerations and reach a balanced decision</p> |
| Could a condition overcome concerns | <p>E.g. different materials Prevent windows in certain elevations</p> |
| impact upon local Character | <p>What is character, does this fit in</p> |

Checklists for objecting to an application:

| Reason for objection | Yes/No |
|--|--------|
| Size/shape of build | |
| Appearance | |
| Character | |
| Issue to neighbours | |
| Materials used | |
| Landscape damage | |
| Parking and access | |
| Change of use | |
| Multiple properties – density issue | |
| Loss of property features (listed buildings) | |
| <i>Also consider – would the PC have to/want to maintain any "public" areas of grass/hedges/trees etc. This would need to be discussed with SBC and expenditure considered</i> | |

If you have ticked "Yes" to any of the above, use the guide below to demonstrate a reason for the objection – based on lawful material objections.

Objection with reasons:

| State Reason | Legal/document reference | Explanation |
|--|--|--|
| Build issues: <ul style="list-style-type: none"> • Size • Appearance • Character • Overlooking neighbours • Materials used. • Landscape damage • Parking & access • Change of use • Multiple dwelling density issue | <ul style="list-style-type: none"> • NPPF • SBC Local Plan • Conservation document for Chiseldon/Badbury/Hodson • North Wessex Downs AONB statement • Consultee reports – ecology, flood risk etc • Supporting comments of residents | <ul style="list-style-type: none"> • Relationship with the "street scene". • Overbearing the main dwelling • Removal of open spaces/trees/natural features • Loss of light for neighbours • Change of use – noise/smells • Flood risk • Parking/roadside issues. • Access issues for dwelling/neighbours |

Points that could overcome an objection and provide the PC's support for the application:

"If the following points were actioned then CPC would be minded to support the application".

| Proposed action | Explanation |
|---|--------------------------|
| Reduce extension size/height | Detail size of reduction |
| Change materials used | List materials preferred |
| Change location of doors/windows etc | List changes |
| Increase/change parking provision | List changes |
| Reduce number of dwellings on a plot | List changes |
| Land/tree preservation | List requirements |
| Introduce restrictions – opening hours, opaque glass on windows, mitigation of smells etc | List changes |

Reasons to approve an application:

| State Reason | Legal/document reference | Explanation |
|--|--|--|
| Enhances street scene/property | Conservation documents | Why it improves the property/area or why it does no harm. |
| Provides needed facilities to the Parish | SBC Local Plan NPPF | What is the Parish lacking and what does this application provide |
| Protects an asset of the parish – listed building etc | Conservation documents. Listed building information North Wessex Downs AONB information | How the application protects an asset – sympathetic renovation of derelict building etc. |
| Provides much needed housing for a specific demographic – elderly, disabled, first time buyers etc | NPPF SBC Local Plan | How the Parish will benefit |