ELDON PARISH COUNCIL

PLANNING APPLICATIONS AND DEVELOPMENT POLICY

25th July 2023

INTRODUCTION

Eldon Parish Council is a statutory consultee on all planning and development applications and decisions relating to its area, and is normally given 21 days to respond following notification of applications which are usually published weekly.

The Parish Council is committed to ensuring that the Council, and therefore local residents, have a voice in this matter, and Durham County Council, the local planning authority, has a duty to consider the views of the Parish council when reaching a decision.

Details of all planning applications together with associated plans and documents are available on the planning portal on the County Council's website.

AIMS OF THE PARISH COUNCIL

The Parish Council will seek to protect and enhance the character and appearance of the Parish; to seek to ensure that any development, whether new or an alteration to an existing property, will be sympathetic to its surroundings; to increase, wherever practicable, facilities for parishioners; to conserve wildlife, flora, and the countryside; to focus on sustainability.

POLICY

Any planning applications upon which the Parish Council is consulted:

- Where the timescale allows, will be discussed at a Parish Council meeting and be included on the agenda, under the standing item 'Planning Matters'.
- When applications are received, the Clerk will email members a weblink to the County Council's planning portal for the applications to be discussed.
- Councillors are encouraged to follow and review the documents on the weblinks provided.
- Parishioners are welcome to attend meetings and may give their comments during the public questions part of the meeting.
- All councillors will abide by the Council's Code of Conduct, and must declare any personal and/or prejudicial interests that may preclude participation in discussion or voting unless a dispensation has been sought and granted.
- At the meeting the Clerk will present a summary of each planning application for councillors' consideration.
- The Parish Council will conduct its business openly, fairly, and objectively. Each planning application will be judged on its merits. All responses will be based on material planning considerations (see appendix 1).
- Responses resolved on by the Parish Council will be recorded in the minutes. These will be posted on the Council's website. In certain circumstances the Parish Council may request the Planning Authority to call in a planning application for consideration by a Committee of the Council.

- The Parish Council will report any identified breaches of planning control to the County Council.

APPLICATIONS WHICH REQUIRE A RESPONSE AND FALL OUTSIDE ORDINARY MEETING DEADLINES OF THE PARISH COUNCIL FOR A RESPONSE

If a deadline for a comment on a planning application is on or before the date of the next Parish Council meeting, the following procedure will apply:

- The Clerk will inform councillors by email of the matter. A weblink to the planning application will be provided, and members will be invited to inform the Clerk of their proposed responses to the application. To be considered, the Clerk must receive councillors' written responses within 7 days from the date of the email.
- In their response, councillors should clearly state whether they support, object to, wish to make a general comment, or wish to make no comment on the application. A request to support or object to an application must be accompanied with valid planning reasons.
- In considering their response councillors may canvass the views of residents.
- Before the County Council deadline, the Clerk will determine the majority opinion of valid responses received, and will submit a formal comment on behalf of the Parish Council based on this majority view and advise the Chairman accordingly. The adoption of this policy shall be evidence that the Clerk has been delegated to undertake this role.
- If no clear majority view is received, then the Clerk will submit a 'no comment' response, or where no objections are received the Clerk shall submit a no objection response.
- As soon as possible after submitting a comment to the planning authority, the Clerk will inform all councillors, by email, the details of that comment.
- Councillors and the public are entitled to submit their own individual comments via the County Council's planning portal.

If a written request is made to the Clerk, by two or more Council members, within 5 days of their notification of the matter, instead of submitting comments via email, an extraordinary meeting may be called to determine a response on the application. Alternatively, the Chairman may call an extraordinary meeting at any time.

APPENDIX – MATERIAL PLANNING CONSIDERATIONS

(Source: Planning Aid England)

When a decision is made on a planning application, only certain issues are taken into account; these are often referred to as 'material planning considerations'.

MATERIAL PLANNING CONSIDERATIONS:

Issues that may be relevant to the decision

(There may exist further material planning considerations not included here)

- Local, strategic, national planning policies and policies in the Development Plan
- Emerging new plans, which have already been through at least one stage of public consultation
- Pre-application planning consultation carried out by, or on behalf of, the applicant

• Government and Planning Inspectorate requirements - circulars, orders, statutory instruments, guidance, and advice

• Previous appeal decisions and planning Inquiry reports

• Principles of Case Law held through the Courts

• Loss of sunlight (based on Building Research Establishment guidance)

• Overshadowing/loss of outlook to the detriment of residential amenity (though not loss of view as such)

• Overlooking and loss of privacy

• Highway issues: traffic generation, vehicular access, highway safety

• Noise or disturbance resulting from use, including proposed hours of operation

• Smells and fumes

• Capacity of physical infrastructure, e.g. in the public drainage or water systems

• Deficiencies in social facilities, e.g. spaces in schools

• Storage & handling of hazardous materials and development of contaminated land

• Loss or effect on trees

• Adverse impact on nature conservation interests & biodiversity opportunities

• Effect on listed buildings and conservation areas

• Incompatible or unacceptable uses

• Local financial considerations offered as a contribution or grant

• Layout and density of building design, visual appearance and finishing materials

• Inadequate or inappropriate landscaping or means of enclosure

The weight attached to material considerations in reaching a decision is a matter of judgement for the decision-taker however the decision-taker is required to demonstrate that in reaching that decision that they have considered all relevant matters.

Generally greater weight is attached to issues raised which are supported by evidence rather than solely by assertion.

If an identified problem can be dealt with by means of a suitable planning permission condition then the Local Planning Authority is required to consider this rather than by issuing a refusal.

NON-MATERIAL PLANNING CONSIDERATIONS:

Issues that are not relevant to the decision:

(There exist further non-material planning considerations not included in this list)

• Matters controlled under 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, private rights of access, covenants, ancient and other rights to light 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

• Applicant's personal circumstances (unless exceptionally and clearly relevant, e.g. provision of facilities for someone with a physical disability)

• Previously made objections/representations regarding another site or application

• Factual misrepresentation of the proposal

• Opposition to business competition

• Loss of property value

• Loss of view(s).