

## **GUIDANCE FOR MEMBERS OF THE PUBLIC AT COUNCIL MEETINGS**

Members of the public are not permitted to take part in the formal sections of the meeting. There is a public participation session during the meeting when members of the public may speak. The length of the session is at the Mayor's (Chair's) discretion and members of the public are asked to restrict their comments to three minutes.

Public participation at a committee meeting, rather than a Council meeting, is restricted to items of business within the committee's area of responsibility.

Members of the public invited to speak are addressing the Council as a whole not individual members. Questions are not to be debated – only the Chair addresses the member of the public (or the Clerk if asked to clarify a point). Clarification may be sought from the member of the public on the point made. Questions not answered at this meeting will be answered in writing to the person asking the question, or may appear as an agenda item for the next meeting.

Members of the public wishing to speak with regard to a planning application being considered by the Town Council are advised that the determining body is Dacorum Borough Council. The Town Council is a statutory consultee.

The Town Council's opinion will be considered by Dacorum Borough Council alongside opinions from other statutory consultees and members of the public. While the Town Council welcomes the comments made (and correspondence) which will inform its discussions, the Town Council does not pass comments made (or letters) on to Dacorum Borough Council – that is the responsibility of the member of the public.

The final decision of Dacorum Borough Council may be contrary to the opinions expressed by the Town Council. Further information on planning can be obtained from the Dacorum Borough Council website at <https://www.dacorum.gov.uk/home/planning-development/planning-applications>.

When addressing the Council please state your name and address. If the comment one wishes to make has already been made by another resident, please state that and raise only those points that are new to the session, if any. Observations on planning applications to be taken into account in the decision-making process must cover what is termed 'material planning considerations' for example loss of a view and loss of value are not material planning considerations (see the following list).

Members of the public are free to leave once the public participation session has finished.

## **MATERIAL PLANNING CONSIDERATIONS**

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'.

### **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 condition then the Local Planning Authority is required to consider this rather than by issuing a refusal.

## **NON-MATERIAL PLANNING APPLICATIONS**

### **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

\* Planning Aid England & Department of Communities and Local Government