



COMMENTING TO THE COUNCIL ON A PLANNING APPLICATION

This guide is to help you to effectively comment on a planning application. It should help to explain those matters which the Council is able to take into account in reaching a decision. It is not possible to include all matters that may arise in such short a short guide, so if you have any queries, please contact the Customer Services Centre on 01738 475300 or email DevelopmentManagement@pkc.gov.uk.

Time Limit for Submitting Comments

The period available to submit comments is normally 21 days, as stated in the notification sent to neighbours. However, in some cases an application may also require to be advertised and a period for comment will be given there also (14 or 21 days from the date of advert, depending on the reason for the advert). The final date for comments to be valid is the later of these dates.

Planning Considerations

In considering a planning application, the Council has a statutory duty to have regard to the provisions of the Development Plan and any other "material considerations".

Development Plan

The Development Plan is particularly important as the Council in considering a planning application has a statutory duty to ensure that "the determination shall be made in accordance with the plan unless material considerations indicate otherwise". The Development Plan comprises both the Perth and Kinross Structure Plan (to be replaced by the Strategic development Plan (TAYplan) by 2012) and the relevant Local Plan for the area. There are currently 6 Local Plans for the Kinross Area, Perth Area, Central Perth, Strathearn, Eastern Area and Highland, although these will be replaced by a single Local Plan by 2015. You should therefore start by seeing if there are any policies or proposals relevant to your concerns in the Development Plan. The Development Plan may be viewed online at www.pkc.gov.uk, or at Pullar House, 35 Kinnoull Street, Perth during normal office hours.

Material Considerations

The most common "material considerations" include the following, although the list is not exhaustive.

- ✓ Local, strategic, regional and national planning policies in addition to those in the Development Plan (includes Supplementary Planning Guidance; Scottish Planning Policies (SPPs); and Planning Advice Notes (PANs)

- ✓ Government circulars, orders and statutory instruments
- ✓ Previous appeal decisions
- ✓ Loss of daylight or sunlight (based on Building Research Establishment guidance)
- ✓ Overshadowing/loss of outlook to the detriment of residential amenity (but not loss of view as such)

Material Considerations (continued)

- ✓ Overlooking/loss of privacy
- ✓ Highway issues: traffic generation, vehicular access, highway safety
- ✓ Noise and disturbance resulting from use, including proposed hours of operation
- ✓ Smells
- ✓ Capacity of infrastructure (e.g. in the public drainage system, or spaces in schools)
- ✓ Storage & handling of hazardous materials
- ✓ Development of contaminated land
- ✓ Loss of trees
- ✓ Adverse impact on nature conservation interests & biodiversity opportunities
- ✓ Effect on listed buildings and Conservation Areas
- ✓ Layout and density of buildings
- ✓ Design, visual appearance and finishing materials
- ✓ Archaeology
- ✓ Risk of flooding
- ✓ Landscaping
- ✓ Light pollution

Matters which cannot normally be taken into account

- X Matters controlled under Building Regulations or other non-planning legislation, e.g. structural stability, drainage details, fire precautions, matters covered by licences etc.
- X Private issues between neighbours e.g. land/boundary disputes, damage to property, private rights of access, covenants etc.
- X Loss of value of property
- X Loss of a view
- X Problems arising from the construction period of any works, eg noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts)

Letters of comment on applications should list clearly any issues of concern, but should not take the form of rhetorical questions. If any additional information or clarification is required, this should ideally be sought separately from DevelopmentManagement@pkc.gov.uk or through the Customer Services Centre (01738 475300) before the letter (or e-mail) of representation is submitted. Failing this, the points of potential concern should preferably be phrased as follows: “ if **x** is to take place I would object (unless controlled by a planning condition to ensure **y**)”