Handling of Planning Applications

Charlton Parish Council (the Council) is mindful that it has an important role in relation to planning applications. It is a consultee in the planning process. Responses to those applications, must be within a specified time frame, usually 21 days. There is a need for transparency in this process.

This policy explains how the Council will deal with planning applications so enabling both council members and the public to involve themselves effectively with that process. To support the process the Council have established a Planning Advisory Group (PAG). The PAG is comprised of members of both the Parish Council and, where appropriate, members of the public who wish to be part of the PAG. The PAG are responsible for reviewing all planning applications prior to Council meetings.

Responses to planning applications

These are sent out by Test Valley Borough Council (TVBC) or Hampshire County Council (HCC) Planning Authorities by email and are accompanied by a letter requesting that responses are received back within a specified consultation period. This is to enable TVBC/HCC to achieve the timetable set by government in relation to planning applications. It is possible to ask the planning officer dealing with the planning application to give an extension to the consultation period – the outcome of this request though is dependent on planning committee dates and other information.

Dealing with applications at Parish Council meetings

Where possible, the Parish Council will consider planning applications at its meetings. The Clerk will circulate applications to Councillors shortly after they are received. These planning applications will be detailed on the agenda of the next Council meeting. In the event of them being received after the closure of the agenda the PAG will be asked whether they are happy to allow the application to be considered at the meeting. As the Council is only providing comments, not making substantive decisions, it is considered appropriate that the application is not withheld from the meeting unnecessarily. Councillors should view all documents relating to an application online at the TVBC/HCC website prior to the Council meeting, as hard copies are not available at meetings.

The Parish Council and PAG will consider applications in line with the Local Plan, National Planning Policy Framework and Neighbourhood Plan. This includes, but is not limited to: amenity, appearance of the development, conservation, design, effect on wildlife, highway safety, historic buildings, loss of light or privacy, noise, overshadowing of homes, traffic and parking issues. Issues which cannot be taken into account include: boundary disputes, construction noise, effect on property values, loss of view, private rights. More details are available on the TVBC/HCC websites.

Dealing with applications outside of the Parish Council meeting

In the event of an application being received between meetings, and the dates clearly not fitting with meetings even with an extension of the consultation period, the Clerk will circulate the application to Councillors who will advise the PAG and Clerk of their comments on the application electronically within the specified consultation period. These comments should be copied to all Councillors. The Clerk will then respond to the TVBC or HCC planning department from the information provided, with the powers under Local Government Act 1972, section 101 authorising delegation to the Clerk.

In the event of an application being received from a member of the Parish Council or PAG, then the Clerk will endeavour to ensure that the application is not sent to that member. If a

member becomes aware that they have a pecuniary interest in an application they should declare this by email to all members and should not participate in further email dialogue regarding the application and should be removed from ‘reply all’ emails on the application.

In some circumstances, such as developments of more than two dwellings; or where Councillor’s object to an application; or where objections have been received from the public within the consultation period, the Chairman has the discretion to call an Extraordinary Meeting of the Parish Council. Representations from members of the public received after the consultation period will not be considered, and a planning application consultee comment will not be re-considered unless there is compelling and relevant new information available.

The decision to call an additional meeting rests with the Chairman, whose decision is final. In the event that the Chairman has a pecuniary interest in an application, the above provisions for the decision to call an Extraordinary Meeting shall pass to the Vice Chairman. As an additional meeting can only legally be called by the Chairman, or by any two councillors signing the Summons, the Chairman shall not withhold their permission to hold an additional meeting if advised by the Vice Chairman that a meeting should be called.

It is noted that TVBC/HCC Planning Committees have the final say on all applications, and the Parish Council is only one of many consultees.

The public must write to TVBC/HCC with their views on planning applications to ensure that they are received into the planning system, and it is helpful to the Parish Council if they send a copy of their representation to the Parish Clerk to help the Parish Council in formulating their response to applications. The public should note that representations received by the Parish Council are not forwarded to TVBC/HCC, and they are responsible for making their own submission to the formal planning process.

Charlton Parish Council

Planning Considerations Help Sheet

What powers does Charlton Parish Council have with respect to planning applications?

Charlton Parish Council is consulted by the relevant Planning Authority (which is usually Test Valley Borough Council or Hampshire County Council) on all planning applications. Any views expressed by the Parish Council will be taken into account by the Planning Authority before a decision is made, providing the points made are relevant to the determination of a planning application.

The final decision is made by the relevant Planning Authority, **not** the Parish Council.

Charlton Parish Council will only comment on what are known as "material considerations" – issues, for example, such as boundary disputes between neighbours or loss of views will not be considered. Further details are available on the TVBC/HCC websites.

Do parish councils grant planning permission?

- Town and parish councils are not Planning Authorities. Town and parish councils are only statutory consultees in the planning process.
- This means that they only have the right to be informed of planning applications within the parish.
- They cannot approve or reject planning applications.
- They can only comment on planning applications in the same way that individuals can comment.
- The local Planning Authority not the parish council governs the length of time taken to determine a planning application.
- A parish council can request that it be given extra time to comment on an application.
- The decision whether the application is granted rests solely with the planning authority and its own deadlines for decision-making.

How do parish councils comment on planning applications?

- Parish councils can only agree to comment on planning applications in properly called council or committee meetings, which the public can attend.
- A Parish Councillor who has a pecuniary interest in the application must make this known in the Declaration of Interests section of the meeting and will not discuss or take part in the discussion or comments for the application. (The Parish Councillor/s may be asked to leave whilst the application discussions are taking place.)
- The comments agreed in the council meeting are submitted in writing by the parish clerk to the relevant Planning Authority.
- Parish councils are statutory consultees and have no powers to approve or reject planning applications; they can only comment or not on applications.

Valid reasons for comment on a Planning Application

Comments that are clear, concise and accurate stand more chance of being accepted than those that are not. When planning applications are considered, the following matters can all be relevant. These are sometimes referred to as 'material planning considerations':

- Central government policy and guidance - Acts, Circulars, Planning Policy Guidance Notes (PPGs) etc.
- The Development Plan - and any review of the Development Plan, which is underway.

- Adopted supplementary guidance - for example, village design statements, conservation area appraisals, car parking standards.
- Replies from statutory and non-statutory agencies (e.g., Environment Agency, Highways Authority).
- Representations from others - neighbours, amenity groups and other interested parties so long as they relate to land use matters.
- Effects on an area - this includes the character of an area, availability of infrastructure, density, over-development, layout, position, design and external appearance of buildings and landscaping
- The need to safeguard valuable resources such as good farmland or mineral reserves.
- Highway safety issues - such as traffic generation, road capacity, means of access, visibility, car parking and effects on pedestrians and cyclists.
- Public services - such as drainage and water supply
- Public proposals for using the same land
- Effects on individual buildings - such as overlooking, loss of light, overshadowing, visual intrusion, noise, disturbance and smell.
- Effects on a specially designated area or building - such as green belt, conservation areas, listed buildings, ancient monuments and areas of special scientific interest.
- Effects on existing tree cover and hedgerows.
- Nature conservation interests - such as protection of badgers, great crested newts etc.
- Public rights of way
- Flooding or pollution.
- Planning history of the site - including existing permissions and appeal decisions.
- A desire to retain or promote certain uses - such as playing fields, village shops and pubs.
- Need for the development - such as a petrol station
- Prevention of crime and disorder
- Presence of a hazardous substance directly associated with a development
- Human Rights Act
- Precedent - but only where it can be shown there would be a real danger that a proposal would inevitably lead to other inappropriate development (for example, isolated housing in the countryside)

<u>Irrelevant reasons for objection</u>

There are certain matters, which do not amount to ‘material planning considerations’ under current legislation and guidance. These matters cannot be taken into account in considering a planning application and should not be included in objections as they weaken your case:

- Speculation over future use
- The identity of the applicant or occupant
- Unfair competition
- Boundary disputes

- Breach of covenants and personal property rights, including personal (not Public) rights of way
- Loss of a private view
- Devaluation of property
- Other financial matters
- Matters controlled by other legislation - such as internal space standards for dwellings or fire prevention
- Religious or moral issues - such as betting shops and amusement arcades
- The fact that an objector is a tenant of land where the development is proposed
- The fact that the development has already been carried out and the applicant is seeking to regularise the situation. (People can carry out development at their own risk before getting planning permission)
- The developer’s motives, record or reputation.