

GRIMSTON PARISH COUNCIL

PLANNING APPLICATION HANDLING POLICY AND DELEGATION OF AUTHORITY TO THE CLERK

The Planning Authority has a statutory duty to consult Parish Council's on Planning Applications. This policy determines how applications are managed and sets out what authority is delegated to the Clerk.

1. Receipt of Applications

Notifications of planning applications are sent to the Clerk on the Council email address (grimstonpc@btinternet.com) from KL&WN Borough Council or on occasion Norfolk County Council. The applications are recorded on a spreadsheet by the Clerk. The list records the application number, address, and brief details of the application. The list also records the Council's decision and outcome, and if the application is likely to attract the Community Infrastructure Levy (CIL).

On receipt of the application, the Clerk will check the response date and determine if step 2 or 3 should be followed.

2. Applications that can be dealt with at the next Parish Council meeting

The application is forwarded by email to Councillors with a link to the documents on the Borough/County Council website with a confirmation that the plan will be considered at the next meeting. Councillors are expected to have viewed the plans prior to the meeting,

3. Applications that require a response before the next scheduled Parish Council meeting

The application is circulated by email to Councillors for comment with the relevant link as per section 2. The Clerk is empowered to determine from the comments and or the type of application if a meeting ought to be called to determine the response before the deadline.

3a If no strong views are expressed the Clerk has the delegated authority to respond with no objection, although may draw the Planning Authority's attention to observations about the plans.

3b If concerns or mixed opinions have been raised the Clerk will confer with the Chairman/Vice Chairman and call an Extraordinary Council Meeting to determine the Council's response. If a meeting is not possible then the Clerk will place a holding objection on the application.

3c If there appears from the responses to be a clear consensus of opinion, the Clerk is delegated the authority to submit a response which reflects that consensus to the Planning Authority to ensure that the Council's views are taken into account within the time frame.

4. Councillors' Views

All Councillors should report directly back to the Clerk within the time frame requested to avoid discussion between members.

5. Reporting and Recording

Any decisions taken under Item 3 should be reported at the next available Council meeting and recorded in the minutes.

6. Agenda Item

Applications on the Agenda should be reviewed on the Borough/County Council website by Councillors prior to the meeting. The plans will also be displayed on the screen at the meeting. Prior to the plan being discussed the Chairman will allow time for applicants or objectors to make a statement.

7. Interests

Councillors with an interest should declare the nature of interest prior to the Agenda Item. In accordance with Standing Order Councillors with a **pecuniary** interest and as such are required to leave the room, may speak before the item is discussed at a time set aside to hear from applicants and objectors.

8. Call In

The Parish Council may request the relevant ward member to call in an application where there is much concern to ensure that it is heard by the planning committee. If a request to call in is accepted, the Parish Council is also expected to support the call-in by speaking at the Committee to further substantiate the objection or support.

PLANNING APPLICATIONS – AIDE MEMOIRE

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

Grimston Parish Council is consulted by the relevant Planning Authority 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 Planning Authority, **not** the Parish Council.

Grimston Parish Council can only comment on what is known as “material considerations” – issues, for example, such as boundary disputes between neighbours or loss of views will not be considered.

How do parish councils comment on planning applications?

- Parish councils can comment on planning applications in properly called council or committee meetings that the public can attend or where a scheme of delegation has been approved giving the Clerk authority.
- The comments agreed are submitted in writing by the Clerk to the relevant planning authority.
- The process is exactly the same as that of an individual wishing to comment on a planning application.

- 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, smell and loss of amenity.
- 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)

Irrelevant reasons for the objection

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 the future use, also conditions to prohibit misuse can be requested
- 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 the applicant does not own the land to which the application relates
- 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

Other Matters – “concerns and issues”

The person making a planning application has to provide enough information for the application to be determined. They do not have to provide every single detail before an application can be approved because certain matters can be resolved by way of conditions included as part of the permission.

Because of this, certain issues may not be considered as 'objections' but it is entirely reasonable to raise concerns on such issues and to ask to be kept informed before they are approved. These include:

- The proposed type and colour of the materials to be used
- The exact nature of any proposed planting or boundary treatment