

Freshford Parish Council

Guidance

PLANNING APPLICATIONS

Do parish councils grant planning permission?

No - Parish Councils cannot approve or reject planning applications. They are not Planning Authorities but are statutory consultees in the planning process. They comment to the Planning Authority on planning applications in the same way that individuals or organisations can comment.

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

The Parish Council is consulted by the relevant Planning Authority (Bath and North East Somerset Council) on all planning applications within the parish of Freshford.

Where it would be helpful to do so, and before the preparation of any Planning Report, the Parish Council may, with the consent of the Applicant(s), visit and inspect the site of the Application.

Any views expressed and submitted 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 the planning application.

The Parish Council will base its submission on what are known as “material considerations.” (see **Appendix** below.)

How do parish councils comment on planning applications?

- Parish Councils discuss planning applications in convened council meetings which are open to the public. The Council can resolve to support or object to an application, or to comment only or to make no representations.
- The comments agreed in the council meeting are submitted in writing by the Clerk to the Parish Council to the relevant Planning Authority and are then published on the B&NES Planning Portal or the Wiltshire Planning Portal (for Limpley Stoke.)
- The decision of the Parish Council is recorded in the Minutes of the Meeting and later published on the village website.
- The majority of planning applications considered by the parish council relate to properties within the Parish. The Parish Council does, from time to time, submit their views in respect of applications in the parishes of Hinton Charterhouse (B&NES Council) and Limpley Stoke (Wiltshire Council) particularly if those

applications are close to the boundaries of the Parish and are of interest to or affect Freshford residents.

- The length of time taken to determine a planning application is governed by the local Planning Authority not the Parish Council. The Parish Council can request that it be given more time to comment on an application. The decision on whether an extension of time is granted rests solely with the Planning Authority and its own deadlines for decision making.

Attending and Speaking at Meetings of the Parish Council

- Freshford Parish Council meet at 7p.m. on the second Monday of each month at the Memorial Hall, Freshford. Meetings of the Parish Council are open to the public and you are welcome to attend.
- The Agenda for each meeting will include all planning applications for consideration by the council. The Agenda is posted on the Notice Boards throughout the village in the week prior to the meeting and is also placed on the village website: www.freshfordvillage.com. The Council seek also to place on the village website, in advance of the Meeting, all Planning Reports prepared by the Council concerning the application or applications under consideration.
- You may wish to first check on line the B&NES Planning Portal website where you can access full details of the Planning Application - details of the planning application, important dates, planning history, documents, including plans, and comments are all available to view. To access the Planning Portal enter the Reference Number for the planning application you wish to see. Go to:
 - <https://isharemaps.bathnes.gov.uk/data.aspx?requesttype=parsetemplate&template=DevelopmentControlSearchSimple.tmplt>
- Prior to the Meeting you may write in confidence to the Clerk to the Parish Council or to the Chairman setting out your views. The Council will respect that confidence and not disclose what you have said to any third party. However as a matter of fairness the parish council will take no account of what you write in coming to its final decision unless you agree that your letter or email can be disclosed also to other interested parties. The Parish Council must be seen to act impartially in the decision making process and to not make its decision based in part on information that has not been fully disclosed.
- If you wish to attend the PC meeting and to speak about a planning application it is helpful if, before the meeting gets underway, you advise the Chairman or Clerk.
- You may speak for up to three minutes either for or against the Planning Application. If you are speaking on behalf of a group of residents who are also present at the meeting, the Chairman can exercise his discretion and allow you to speak for longer. Councillors will have read the papers relating to the application so you may wish to focus your remarks on the main points as you see them.

- Once you have had your say you are not permitted to join in the discussion between the parish councillors as they reach a view.

Commenting on Planning Applications.

- Set out in the Appendix below is guidance on matters which are material planning considerations together with those which are irrelevant. For your views to be taken fully into account in the decision making process you **MUST** make your representations direct to the relevant Planning Authority.
- Submitting your views to the parish council alone does not in itself lead to your views being taken into account by the Planning Authority. If you are not sure what to do or how to do it, you are free to contact the case Planning Officer at B&NES and seek advice.

Contact Details

Freshford Parish Council:

The Clerk to Freshford Parish Council
13 Priory Park
Bradford On Avon
Wiltshire
BA15 1QU

parish.council@freshfordvillage.co.uk

Bath and North East Somerset Council:

Planning Services
Lewis House, Manvers Street, Bath, BA1 1JG
Telephone: (01225) 394041

Development_management@bathnes.gov.uk
www.bathnes.gov.uk

Appendix.

Material considerations on Planning Applications

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 or Local Plan - and any review of the Development Plan which is underway. The Development Plan includes the Freshford and Limpley Stoke Neighbourhood Plan which has been adopted by the Planning Authorities.
- Adopted supplementary guidance - for example, village design statements - see the Freshford and Limpley Stoke Neighbourhood Plan, 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
- Loss of Amenity -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 bats, badgers and great crested newts.
- 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 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 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 though see Loss of Amenity above.
- 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 for you 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

Ends.

NJS/Planning.

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