

SELBORNE PARISH COUNCIL

PARISH COUNCIL PLANNING GUIDE

Introduction

This simple guide is intended to help maintain a consistent approach from all councillors whilst considering planning applications in Selborne Parish.

Process

The planning application will, in the first instance be sent to the Parish Clerk who will in turn send it on to the appropriate Planning Representative (councillor charged with looking at planning applications) in one or other of our villages. On receiving an application it is necessary to identify the location of the application and confirm it is within the Parish boundaries and relates to the village/area you are responsible for. A check of the date of the next planning meeting is advisable to ensure that site visits are carried out in advance of the meeting to enable a decision to be made at the meeting. If Selborne Parish Council is named as a consultee for an application in a neighbouring parish, it would be helpful to ascertain the view of the other parishes who are consultees prior to reaching a decision.

When arranging the viewing it is advisable that a minimum of three Parish Councillors be in attendance at the viewing, of whom at least one councillor should be from a different village than the planning application. (No Councillor should be in attendance if they have a direct interest or conflict with the application.). The planning representative should contact the applicant to arrange permission to enter the curtilage of the property in order to carry out the site visit.

After the viewing the planning officer will write up a report, pass it to the other Councillors who attended the viewing to gain their agreement before submitting the report to the next planning meeting for consideration by the rest of the council planning committee. Following that meeting the clerk will then make the submission to EHDC before the due date.

Viewing

Viewing should be conducted with an open common sense approach and without prejudice to the applicant. If the applicant is present then politely advise them that you cannot discuss the application with them. All the facts of the application should be in the applicants prepared design statement, which is submitted to the parish council along with other supporting documents and site plans.

Do NOT give the applicant your views concerning the application, your comments may be misconstrued and provide the applicant with reasons to believe you support the application when in reality you could be raising objections or vice versa.

Points to be considered whilst conducting the viewing are as follows;

- Is the application in accordance with the EHDC Local Plan Second Review, adopted 2006, and with the Hampshire County Structure Plan (Review 1996 - 2011)?
(Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.)

- Does the application have any impact on the landscape and, if so, does it conserve and enhance the natural beauty, wildlife and cultural heritage of the area? (As the parish lies within an AONB nationally protected landscape, the Parish Council has a duty under s85 of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing natural beauty when making any decisions or recommendations on any matter or matters. 'Wildlife' and 'cultural heritage' are included as a material consideration at this stage. However, once the South Downs National Park designation has been confirmed, the Parish Council will be under a s.62 duty under the Environment Act 1995 to conserve and enhance natural beauty, wildlife and cultural heritage when making any decisions. The s.62 duty will then replace the current duty towards the AONB under s.85 of the CRoW Act 2000).
- Is the application in line and in keeping with existing materials and other buildings in the area (e.g. additional / refurbished windows, brickwork, roofing materials etc)?
- Will the application have an impact on the Skyline: Does the intended height of the application differ from or extend above the existing height of the building in question? If so does it affect the sky line or cause an obstruction to immediate neighbours?. This could be raised as either an objection or observation dependent on the circumstances and character of the application.
- H15 Rule: Does the application extend the dwelling by 50% of original floor / living space as per 1st April 1974?. If so then the Parish Council should object to the application. .
- Is the application to be carried out in a Conservation Area or is the building itself listed? If so, sections 16, 66 and/or 72 of the Planning (Listed Building and Conservation Areas) Act 1990 will apply.
- Will the application have an impact on other neighbouring dwellings, such as block off any light to neighbours or does it obstruct their view or access?
- If the application is for a development of a new dwelling(s), is it in line with the Village Design Statement and is it sustainable, having regard to the Local Plan Public Inquiry Inspector's Report on housing for Selborne and the local infrastructure? .
- If the application is for the felling or trimming of a tree, what impact will the proposed work have on the locality, does the tree have a Tree Preservation Order (TPO) or is it a protected species?. This could be cause for an objection. Applications involving trees should be forwarded to the tree warden for consideration and opinion prior to the planning committee's consideration. .

Does the application adhere to the reasons given for its justification on the application form? e.g. Does the application change the use of the building from living accommodation to commercial / industrial premises?. This could cause an objection on change of use and require the applicant to submit an application for such changes. Other factors such as access by road or extra traffic could be a consideration.

All Objections or observations must be supported by constructive comments stating your reasons in the response to EHDC.

Responding to EHDC

If there are any concerns relating to a planning application, it is necessary to state that **there is an objection** to the application; it is not sufficient to state that the Parish Council does not like it.

Parish Councillors must remember that our comments could influence decisions made by the Planning Officer at EHDC and could therefore have direct effect on the applicant.

Appendix A

Checklist of Material Objections.

If Selborne Parish Council Planning Committee wishes to make comments on a planning application, they must deal with issues relating to planning law, which exists to control development and the use of land in the public interest – these include:

Local planning policies / Government Advice

Is the application contrary to national and local adopted policy? The policies of Local Plans and Government Planning Policy Statements are mandatory elements in the making of planning decisions.

Highways and Access.

The design and capacity of roads to cope with additional vehicular traffic;
Visibility and sight lines;
Effect on public rights of way;
Impact on other highways users.

The effect on the street or area

Is the application injurious to the amenity of the area?
The opinion of the beholders on how well a development would relate to the character and appearance of the locality will be helpful to the District Council.

Size, layout and density of buildings –

The relationship of the mass, form, height, bulk and nature of a development to its own site and to the amenity of the surrounding area.

Design, appearance and materials

The VDS, as Supplementary Planning Guidance, will be the first point of reference here.

Adequacy of parking

Overlooking and loss of privacy

The degree of intervisibility between two dwellings and the private amenity areas thereof; the relationship between the height of buildings; locations of windows.

Noise and disturbance

Ground contamination

Appendix B

Conditions of planning.

Taken from circular 11/95. Use of conditions in planning permission. www.communities.gov.uk

The list is by no means exhaustive, and if you have concern over requesting a condition it is always best to speak to the case officer for guidance over whether it will be deemed a reasonable request. Common areas for which planning conditions can be imposed are as follows:

- 1) Restriction of noise levels,
- 2) Vehicular access – routes to the site, restrictions on vehicles, approval by highways
- 3) Height of fences (sight lines)
- 4) Approval of proposed soft and hard landscaping, schedule of landscape maintainance, tree retention list.
- 5) Lighting restrictions. – permanent lighting, construction lighting, security lighting and floodlighting.
- 6) Parking, provision of parking spaces and/or parking plan prior to occupation
- 7) Drainage
- 8) Repair and restoration of the land.
- 9) Restrictions on Use
- 10) Use of annexes, extensions, storage areas or garages for a specific purpose and not as a separate dwelling.
- 11) If the site is of archeological interest, requesting a site survey by the county archeologist prior to commencement of works.
- 12) Use of matching materials
- 13) Provision of amenity land.

Appendix C

It is recommended that councillors familiarise themselves with the Inspector Report from the Local Plan Inquiry

Chapter 2 General Strategy (re Settlement Policy Boundaries) Page 92, Blackmoor Page 103, Selborne, this is to do with land that was proposed for inclusion in the SPB. The Inspector rejected it and PC members need to know and understand his reasoning should the land in question ever be proposed for development in the future.

Chapter 3 Countryside and Heritage. Pages 149 – 152 re 'Area of Outstanding Natural Beauty'? It explains Policy C2 and will help councillors re their s85 duty. Planning applications in a nationally protected landscape are treated differently from those outside a protected landscape.

Chapter 5.6 Omission Sites Pages 505 – 506 Blackmoor. Councillors should know the Inspector's decision and reasoning should a future application ever be submitted. Pages 514 – 517 Selborne. Again, councillors will need to know the Inspector's decision and reasoning here should a future application ever be submitted

The following useful documents can be downloaded from the EHDC Planning website.

Creating better places to live - a guide to the planning system
 Alterations and additions to residential properties - Do I Need Approval?
 Planning: A Guide to Householders
 Design Guide for Residential Extensions
 Design and Access Statements - how to write, read and use them
 Making Better Planning Applications
 Pre-application Advice Service Guide
 Planning Permission: A Guide for Business
 Planning Consultants: Where to Find Planning Advice in the South East
 Householders Guide to the Installation of Satellite Television Dishes
 Outdoor Advertisements and Signs
 Southern Branch Planning Aid
 A Guide to Taking Part in Planning Appeals
 Making your planning appeal
 A Brief Guide to Planning Hearings
 A Brief Guide to Planning Inquiries
 Enforcement Notice Appeals : A Guide To Procedure
 East Hampshire Housing Strategy 2002 - 2007

Guidelines for Builders and Developers - Environmental Health Group
Hampshire Parking Strategy and Standards
Secured by Design - Guides and Publications
Working with an Architect
Planning consultants - south of England 2006/7
Finding the Right Architect
Regional Planning Guidance for the South East (RGP09)
Best Practice Guidance on the Validation of Planning Applications
Making Better Applications for Listed Building Consent
Party Wall Act 1996
Trees and the Law
Trees for Small Gardens
Buying a Tree with a House in the Garden
The Right Hedge for You
Over the Garden Hedge
Tree Work Contractors - February 2002
Your Garden Walls - Better To Be Safe...
Protection of Trees on Development Sites
Landscape and Development Checklist
Public Exposure Guidelines for Mobile Phone Base Stations
How To Complain to the Local Government Ombudsman