

BROCKENHURST PARISH COUNCIL

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Planning Committee Process: Guidance Notes for Members of the Public

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

The Parish Council is consulted by the local Planning Authority (the New Forest National Park Authority) on all Planning applications in the civil Parish.

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.

Do Parish Councils grant planning permission?

Town and Parish Councils are not Planning Authorities – they are only statutory consultees in the Planning process. The Planning Authority for Brockenhurst is the New Forest National Park Authority (NFNPA) and the decision to grant or refuse permission rests solely with them.

The Parish Council has the right to be informed of applications within the Parish and can make comment on them, but only in the same way that individuals can comment. Parish Councils cannot approve or reject Planning applications but the Planning Committee will use their knowledge and experience of the local area and take representations by local residents into account to make comments to the NFNPA.

I'm making an application (or wish to object to one). Can the Parish Council advise me on my proposals?

The Parish Council's role is to represent the community and we are unable to provide help with applications, individual objections or with the applications process – such matters are dealt with by NFNPA Planning Officers.

I'm making an application (or wish to object to one). Can I arrange a site visit?

After receiving the details of a planning application, councillors will decide whether they would like to visit a site. Councillors may conduct an informal visit to view the site from the public highway, but if this is not possible or not desirable, permission will be sought from the owner of the land concerned to conduct a formal site visit.

All Planning Committee members will be invited to attend the formal site visit and the Planning & Communications Officer or a nominated councillor will liaise with the applicant to arrange a suitable date and time so that councillors can visit together.

The purpose of the site visit is to enable councillors to familiarise themselves with the site and its surroundings in order to understand the issues more clearly when considering the application. Whilst it may be necessary for the applicant and his/her agent to be present on the site (eg. to provide access or for safety reasons), discussions with the applicant or their agent should be avoided and lobbying of councillors and/or presentations by applicants are not permitted. Please also note that councillors are not permitted to accept any gift or hospitality as part of a site visit – not even a cup of coffee!

Councillors will not make any decision at the site visit and at no time during the visit should they debate or comment on the planning merits or otherwise of the proposal. A record of formal site visits will be made of the date and time of the meeting, the attendees and what matters were viewed on site which will be reported at the subsequent Planning Committee meeting at which the application is discussed.

Please note that due to current Covid-19 guidance, site visits may not be possible and/or may be restricted to external viewings.

How does the Parish Council 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, in this case the Parish Council's monthly Planning Committee meetings. Applications are considered at the next available meeting.

The comments agreed in the Planning Committee meeting are submitted in writing by the Planning & Communications Officer or Parish Clerk to the NFNPA's Development Control Team. This 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. Although the Parish Council seeks to frame its response to an application in terms of relevant planning policies, our focus is on local considerations. The Parish Council may be favourably disposed to an application that has local benefits, or opposed to one that in our view is inappropriate, whether or not it complies with all relevant policies. It should be noted, however, that councillors are not experts in planning and to this end the NFNPA case officer provides a Parish & Town Council Consultation Briefing Note outlining key issues to be considered by the Parish Council and invites comment in line with the following framework:

Our views on Application No. XXX are:

1. We recommend PERMISSION for the reasons listed below, but would accept the decision reached by the National Park Authority's Officers under their delegated powers [reasons for recommendations or comments / suggested conditions].
2. We recommend REFUSAL for the reasons listed below, but would accept the decision reached by the National Park Authority's Officers under their delegated powers [reasons for recommendations or comments / suggested conditions].
3. We recommend PERMISSION for the reasons listed below [reasons for recommendations or comments / suggested conditions].
4. We recommend REFUSAL for the reasons listed below [reasons for recommendations or comments / suggested conditions].
5. We are happy to accept the decision reached by the National Park Authority's Officers under their delegated powers.

Can I speak at the Parish Council Planning Committee meeting?

Members of the public are welcome to attend Planning Committee meetings and are encouraged to do so. Joining instructions are provided on the meeting agenda which is issued one week prior to the meeting. Dates of forthcoming meetings are shown on the Planning Committee page of our website.

Members of the public wishing to make presentments are invited to do so before the particular application is considered. Applications on which a member of the public wishes to speak are dealt with first if possible.

The Parish Council welcomes representations from applicants or any resident who believes they (or the wider community) may be affected by a planning application and wants to make their views known. In either case contact should be made with the Parish Clerk, preferably by email (clerk@brockenhurst.gov.uk). Written representations (including any photographs and supporting documentation) must be received by Noon on the Friday preceding the meeting.

Please note that due to current Covid-19 restrictions, members of the public wanting to make a presentment to the Committee must register in advance by contacting the Parish Clerk who will allocate a timeslot as soon as possible once all speakers are known.

What happens to applications after the Parish Council has made comment?

Planning applications have to be decided within the timeframe prescribed by legislation and most are determined directly by the NFNPA's Planning Officers in accordance with their delegated powers.

In the event that the Parish Council's view differs from that of the Case Officer, the application is referred to the NFNPA's own Planning Committee for a decision (ie. rather than being decided by the Officer directly). The Parish Council (in common with all other respondents) has the right to make a representation to the NFNPA Planning Committee to explain their point of view but the ultimate decision rests with the NFNPA Committee members.

For the avoidance of doubt, the Parish Council does not support an application to assist the applicant nor oppose one to assist neighbouring objectors – our role is to represent the interests of the community as a whole.

Where can I view an application?

The applications to be discussed at the forthcoming Parish Council Planning Committee are listed on the meeting agenda which is published on the Planning Committee page of our website a week prior to the meeting. Agendas are also posted on the Parish Council noticeboard adjacent to Tesco's car park in Brookley Road.

Physical copies of applications are available to view at the NFNPA's offices at Lymington Town Hall, Avenue Road, Lymington, SO41 9ZG. The NFNPA's Development Control Team can be contacted by email (dev.control@newforestnpa.gov.uk) or by phone on 01590 646600.

Electronic copies can be viewed on the NFNPA's website: please follow the link to https://www.newforestnpa.gov.uk/planning_category/view-or-comment-on-applications/

What comments can be made about planning applications?

Anyone can submit comments on a planning application (whether as the Parish Council, a member of the public or other third party) but only 'material Planning considerations' will be taken into account by the Planning Authority. These include:

- traffic generation, highway safety and parking
- availability of infrastructure and public services (eg. drainage and water supply)
- a desire to retain or promote certain uses (eg. playing fields, village shops and pubs) or a need for a certain type of development (eg. a petrol station)
- overshadowing, overlooking and loss of privacy
- noise, disturbance, smell, visual intrusion or other loss of amenities
- flooding or pollution
- relevant planning policies (including Central Government policy, Acts, circulars and guidance plus the NFNPA's own Local Plan policies)
- replies from statutory and non-statutory agencies (eg. Environment Agency or Highways Authority)
- representations from others (eg. neighbours, amenity groups and other interested parties) so long as they relate to land use matters
- design (eg. height / bulk / density / position of buildings and external appearance including proposed type and colour of materials to be used and the effect of the proposals on surroundings, conservation area, SSSIs, ancient monuments and/or heritage assets)
- planning history
- public rights of way
- nature conservation (eg. protection of specific wildlife species)
- inadequate landscaping / means of enclosure or effects on existing tree cover and hedgerows

The following matters are not normally issues which can be taken into account by the Planning Authority when making their decision:

- loss of property value or other financial matters
- speculation over future use
- unfair competition
- loss of a view
- the applicant's motives, character or personal circumstances
- matters covered by other legislation, including internal space standards for dwellings, fire prevention and/or restrictive covenants on land
- issues relating to land ownership / property boundaries, including the need to access land to undertake development (note that the applicant does not have to own to the land to which the application relates)
- religious or moral issues (eg. betting shops or amusement arcades)
- issues relating to the construction of a development
- the reasons why a developer is making the application, their activities elsewhere or their reputation

I have a question that isn't covered here. Who do I contact?

Questions or comments on the Parish Council's approach to planning matters should be addressed to the Parish Clerk, preferably by email (clerk@brockenhurst.gov.uk).

Questions or comments on the local Planning Authority's planning process including requests for assistance with individual applications should be addressed to the NFNPA (link to www.newforestnpa.gov.uk/planning/).

Planning & Communications Officer
Brockenhurst Parish Council
21.06.2021