

# **FAVERSHAM TOWN COUNCIL**

# **PLANNING PROTOCOL AND GUIDELINES**

Adopted: TBC

Review: TBC

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## 1. PLANNING APPLICATIONS GENERAL

### 1.1 What powers does Faversham Town Council have with respect to planning applications?

Faversham Town Council is a statutory consultee. We are consulted by the relevant Planning Authority, Swale Borough Council. Any views expressed by the Town Council will be taken into account by Swale Borough Council before a decision is made, providing the points made are relevant to the determination of a planning application. The final decision is made by Swale Borough Council, the Planning Authority, not the Town Council.

Faversham Town 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.

### 1.2 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.
- Consequently, the length of time taken to determine a planning application is governed by the local planning authority not the town council.
- The town council can request that it be given extra time to comment on an application.
- The decision whether this is granted rests solely with the planning authority and its own deadlines for decision making.

### 1.3 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.
- The comments agreed in the council meeting are submitted in writing by the parish 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.

### 1.4 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 Local Plan - and any review of the Local 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 (eg 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)

### 1.5 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
- 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

### 1.6 Other matters of concern

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. 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

### 1.7 Further information

To find out if you need planning permission or building regulations visit the Planning Portal. [www.planningportal.co.uk](http://www.planningportal.co.uk)

Planning applications can be viewed on Swale Borough Council's online planning register <https://pa.midkent.gov.uk/online-applications/>

## 2. MAJOR PLANNING APPLICATIONS / APPLICATIONS FOR MULTIPLE DWELLINGS

### 2.1 Guidance for Councillors and developers

Faversham Town Council recognises that pre-application discussions play an important role in major planning applications and welcomes the desire of developers to consult both the Council and the public more widely.

However, the Council is also aware of the importance of public perception in planning and the need to avoid any appearance of secretive.

### 2.2 Pre-determination

In all meetings with developers, Councillors are reminded of the critical importance of not predetermining their position on any future application. It is noted, however, that expressing a predisposition, for example of either 'welcome in principle' or 'concerns', is permissible.

### 2.3 Individual Councillors' discussions

If individual Councillors are approached by developers for informal discussions of possible future applications, all such requests should be notified to the Town Clerk/Deputy Town Clerk and referred to a public meeting of the full Council.

### 2.4 Pre-application for public consultations

The Council will, in general, encourage developers to carry out a local public consultation before submitting plans for major developments. Developers will be asked to provide:

- assurance that submission is either already scheduled or firmly planned;
- an accessible venue with suitable scheduling to allow a wide range of people to attend;
- sufficient publicity to reach all likely interested parties in a timely manner;
- a genuinely open mind and willingness to adapt plans in response to feedback.

## 3. PROCEDURES

### 3.1 Weekly List

The weekly list issued by Swale Borough Council will be sent to the planning committee. The following applications on the list which fall within the parish boundary will be listed on the planning application list at a forthcoming meeting for consultation by the committee: ADV, FULL, HYBRID, LBC, OUT, REM, TCA, TNOT and TPOA. Members are invited to notify the Deputy Town Clerk of any additional applications they would like listed for consideration at a forthcoming meeting.

### 3.2 Town Council Representation at SBC Planning Committee

An Objection from the Town Council will result in the application going to SBC Planning Committee if the council have relevant planning reasons to object., and it is encouraged that if the Town Council objects then they send a representative to the meeting to further explain the reasoning behind their representation.

Invitations to SBC Planning Committee will be shared with members of the FTC Planning Committee by email asking for a representative to be agreed.

### 3.3 Delegation

The Chair of the Committee, or in their absence the Vice Chair, in consultation with one other Committee Member (to be a ward member of the premises concerned (if possible)) and the Deputy Town Clerk, to have delegated powers to make observations in respect of planning applications referred to the Town Council, where it is not possible to convene a meeting of the committee in time to meet the deadline date for making representation to the LPA.

Where this delegated power has been exercised, the observation made to the LPA to be reported to the next meeting of the Town Council Planning Committee.

### 3.4 Display of Planning Proposals/Applications

The responsibility for publishing planning applications rests with SBC as the LPA rather than the Town Council.

In the eventuality of a request being made to the Town Council by an applicant to display a proposal/application in the Town Hall, the Town Clerk will have delegated authority to make the decision.

### 3.5 Planning Appeals

The Planning Committee will be notified that an appeal has been lodged with the Planning Inspectorate on the Planning applications list at the first forthcoming meeting. At the meeting members will be asked to decide if the Town Council wishes to be represented and the role they wish to play.

### 3.6 Budget

The Planning Committee will be allocated an annual budget.

Urban Vision will be asked draft a representation on applications for ten or more units or sites that are allocated in the Neighbourhood Plan.

Further professional services (e.g. Legal or consultants) will be agreed by Delegated Authority by the Town Clerk (maximum of £500 (£1000 emergency legal advice)) or Policy and Finance or Full Council

## 4. PLANNING ENFORCEMENT

If you suspect there has been a breach in a planning application you can report your concerns to Swale Borough Council Planning Enforcement by clicking this link:

<https://swale.gov.uk/planning-and-regeneration/planning-breaches-and-enforcement/report-a-breach-of-planning-consent#h>

