



# BURNHAM MARKET PARISH COUNCIL

## PLANNING POLICY

Burnham Market Parish Council can make a decision on a planning application consultation in one of three ways;

1. Consideration in public at a properly constituted meeting of the Full Council.
2. Consideration in public at a properly constituted meeting of a Committee of the Council.
3. Giving delegated authority to the Clerk to make the decision in consultation with members of the Parish Council. Those members could be a small group known, for example, as a Planning Advisory Group.

### **What is the response deadline for consideration by the King's Lynn & West Norfolk Borough Council?**

The response deadline is 21 days from the date of the notification. The Planning Department **will not delay** its decision-making process if a response is not received.

Any representation received after that date may be taken into account by the Committee or Officer making the decision, if, in the case of a delegated decision it is received before the Planning Officer completes their Officer Report or, in the case of the application being determined by the Planning Committee, any correspondence received after the publication of the agenda must be received by the Planning Department before 5.15 pm one clear working day before the meeting – this is usually the Thursday.

If a response is not received within the required timeframe and there is a difference of opinion between the Officer recommendation and that of the Parish Council, then the right for the application to be heard by the Planning Committee could be lost.

### **Burnham Market Parish Council only meets every 4 weeks, is it likely to miss the deadline:**

Burnham Market Parish Council has a number of options to speed up their decision-making process as set out below;

- A. Continue to meet on a four-weekly basis.** The risk here is that you will not be able to submit your representations in time and the planning decision will be made without the committee or officer seeing them.

**B. Meet more frequently or establish a committee to meet in between Full Council meetings.** Any committee will need to be properly constituted and Full Council will have to formally delegate those powers to them. These will be public meetings of the Council and will need to be advertised and notified in accordance with the usual rules.

**C. Burnham Market Parish Council has given delegated authority to the Clerk to make decisions on planning applications** in consultation with members (by email/telephone). This does not require a public meeting. Often these decisions are reported through to Council at its next meeting. Full Council may choose to set up a Planning Advisory Group (PAG) which gives advice to the Clerk, and the decision is then made by the Clerk under delegated authority, using the advice of the PAG. A PAG does not have to meet in public, have an agenda or have minutes for their meeting.

## Planning Considerations Help Sheet

### PLANNING PERMISSION

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

Burnham Market Parish Council is consulted by the relevant Planning Authority (which is The Borough Council of King's Lynn & West Norfolk) 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.

Burnham Market Parish 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.

### 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 parish council.
- A parish 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.

## 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.

## 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, The National Planning Policy Framework (NPPF)
- 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 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)

### **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

### **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

**Reviewed August 22**