

Parish and Town Council Workshop – Development Management - 26th October - outputs

Top issues chosen and suggested resolutions;

1. How Do Chair referrals work?
2. Linking PC comments to policy to increase their weight in decision making.
3. Clarity on types of proposal e.g. permitted development / Prior approval
4. Weight given to PC comments
5. Consistency of decision making
6. Development Creep
7. Parking issues and cumulative traffic issues

1. How does the Chair Referral process work

This process was outlined in a recent presentation given at the Parish Liaison meeting which can be accessed on the 'Parish and Town Council Support' webpage at the following link [here](#)

We have recently begun to publish a summary of the cases which have gone through the Chair referral process as part of the quarterly report to Committee. This lists the cases which have been referred along with the Chair's decision. An example of this can be seen in our November 2015 agenda (item 80) at the following link [here](#).

2. How can the weight given to Parish comments be increased.

The weight given to parish comments will depend upon the materiality of the comments to the application that is being considered. This is discussed further below. If the Parish objects or supports a scheme then they would be advised to provide material planning reasons for the position taken. Not only will this increase their weight but without these the application would not be discussed with the committee Chair even if contrary to the officer's position. This is in accordance with the Councils adopted scheme of delegation (see 3b) below.

Refer to Section 4 for examples of material and non material planning comments.

3. General guidance on planning and clarity on types of proposal e.g. permitted development and prior approval

3a. Useful websites -

[Bath and North east Somerset Council website](#) (link)

[Planning Policy](#)

[Listed Buildings map layer](#)

[Search for planning applications online](#)

[Planning Committee information and agendas](#)

[Enforcement Protocol](#)

[Scheme of delegation](#)

[Adopted Bath & North East Somerset Local Plan](#)

[Definition of Major planning applications](#)

Information on Conservation Areas or Tree Preservation Orders

[Conservation Areas map](#)

[Tree Preservation Orders map](#)

National Policy Background

[Planning Legislation](#)

National Planning policy Framework -
[NPPF - National Planning Policy Framework](#)
[NPPG - National Planning Practice Guidance](#)

[Permitted Development GPDO 2015](#)

General Planning information

[RTPI](#)

[The Planner](#)

[Planning Practice Guidance](#)

[Material planning considerations](#)

[Planning Jungle](#)

Other Useful websites

[Flooding Standing Advice](#)

[Signage Guide](#)

[Planning Portal - Volume calculator for Green Belts](#)

[Planning Portal - Validation Requirements](#)

[Planning Portal Use Classes](#)

[Collection of Britain from Above pre-war aerial photos for BANES](#)

[Birds Eye maps from Bing](#)

[Flood Risk map](#)

[Images of England listed buildings photos database \(could be slightly out of date\)](#)

Discussion Forums

[Planning Law Blog](#)

[PAS Forum](#)

Community Infrastructure Levy

Further information and guidance can be found on our [website](#)

3b. Frequently Asked Questions page for Parishes /TC -

Who decides whether to take a planning application to committee?

The majority of applications (95%) are determined by officers using delegated powers. Exceptions to this are as set out in the Council's [scheme of delegation](#).

The parish has objected/supported an application why hasn't it been taken to committee?

If a Parish supports or objects to an application and the officer has a contrary view the officer will follow the scheme of delegation in deciding how to proceed. If the Parish has not given planning policy based reasons comments in their response the application will be determined under delegated powers by Officers. If material planning reasons have been given the final decision as to whether the application should go to committee will be made by the Chair of the Development Management Committee.

What are Prior Approvals to change agricultural buildings to dwellings?

Prior Approval applications are not the subject of usual planning policy considerations contained within our Bath and North East Somerset Local Plan and Core Strategy. This is because within the Town and Country Planning (General Permitted Development) (England) Order 2015 a change of use of an agricultural building to a dwelling is permitted development, subject to certain criteria. The relevant part of the Order is schedule 2, part 3 class Q. There is an extensive list of things that would render a change of use not permitted development so the regulations need to be checked in each case. If none of the criteria apply that would make the change of use not permitted development then the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to -

- (a) transport and highways impacts of the development,
- (b) noise impacts of the development,
- (c) contamination risks on the site,
- (d) flooding risks on the site,
- (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and
- (f) the design or external appearance of the building.

It is a prerequisite of this type of application that the barn is currently or last used for agricultural purposes.

Why do we only get 21 days to comment? The government sets targets that Local Authorities must meet or the Local Planning Authority can be designated by the Government for poor performance. Once consultation periods are finished the officer may need sufficient time to negotiate with the applicant, consult with the Chair or

refer an application to Committee. It is important to have all the relevant views and issues available prior to these considerations taking place which is why 21 days are given for responses to be received.

Why do revised plans only get advertised for 14 days? For the same reasons as above. These timescales are set nationally as being possible to incorporate and still make decisions within national targets.

Can we contact case officers to discuss and application? Case officers are happy to be contacted and to discuss the case if required. They can be contacted by phone or e-mail.

Please refer any further questions you may have to us and we will add these to the FAQs and recirculate the list periodically as it is updated.

3c. Model response to planning applications -

There is no such thing as a model response in so far as each case is different. Good responses focus on material planning issues. They do not necessarily need to reference individual policies but this is helpful. They should as a minimum explain why a development is considered to be acceptable or otherwise based on planning considerations.

An example of a good response is below;

'The Parish Council unanimously SUPPORTS the planning application. It has no adverse effect on the Green Belt; the materials are appropriate and it is in keeping with its surroundings (Policy GB2 and Policy D2)'

This is useful because it is clear in its position AND provides material planning reasons for that position. See below for a comprehensive but not exhaustive list of material planning considerations;

- Development plan policies and emerging policies
- Supplementary Planning Documents (SPD).
- National planning advice – e.g. NPPF, NPPG, Ministerial Statements
- Effect on Listed Buildings, archaeology, Conservation Areas and Areas of Outstanding Natural Beauty (AONB).
- The environmental qualities of the surrounding area, the visual character of a street and the amenity or privacy of dwellings.
- Road safety, access, car parking and traffic generation together with other public services such as drainage.
- The size, layout, siting and design of the development.
- Loss of trees.
- Ecology
- Noise, disturbance, odour
- Case law and previous planning decisions.
- Consideration of what could be undertaken as permitted development.

In contrast poor responses do not refer to material planning issues.

For example

'The proposed development would result in the loss of a view and it would reduce property values in the area. This applicant's motives are driven by profit and should be resisted.'

In addition it is useful to understand if a Parish supports, objects, or comments only on an application however that usefulness reduces if we don't know why. In addition if material planning reasons for the Parish position are not given the application may be delegated to officers even if the officer has a contradictory position to that of the Parish.

See below for comprehensive but not exhaustive list of matters which are not material to planning;

- Right to a (private) view
- Impact of development on property value
- Ownership of the land
- Covenants controlling the use or development of land
- The motives of an applicant
- Competition between firms
- Matters covered by other legislation – this should not be duplicated

4. Weight given to PC comments

The weight given to parish comments and the reasons for that are discussed at (2) and (3c) above. Given the very high volumes of applications received, it would be impractical for officers to feedback individually on Parish comments. However it is advised that the Parish reads the Officers delegated report. This provides a succinct assessment of the material factors including any representations made and so the Parish/Town Council is able to understand the significance of their comments and how they were considered in the assessment of the application. This is discussed further below.

5. Consistency of decision making

It was agreed at the Workshop that more could be done to communicate and explain Development Management decisions. Decisions which on the face of it could appear inconsistent may have different circumstances and considerations. Having said that the service recognises that there is a responsibility to be consistent in decision making and will investigate cases where concerns are raised by Parish or Town Councils.

As part of the consideration of an application the Case Officer produces either a delegated report or a Committee report which summarises the issues raised by the Parish/Town Council and the view reached by the Officers of the Council. This report is available for all cases and is displayed on the electronic Case File following the issuing of the decision notice. It was agreed that Parish and Town Council's would read these, if they are not at present.

The Officers within the Development Management service can also be contacted by phone or email and are happy to respond to individual queries on decisions.

Parishes and Town Councils will provide examples of cases where they feel that decisions have not been made consistently. It was agreed that in order for Officers to

investigate these fully that the cases need to be identified individually. Officers will then look into the cases and respond.

6. Development Creep

Having a five year land supply and a 20% buffer which we have at present will assist in resisting developments coming forward outside of housing development boundaries. Parish and Town Councils are working on neighbourhood plans which will help to steer the growth that we need into the favoured locations of local communities.

If adequate housing is not built out where required then we will be at risk of applications for developments coming forward outside of housing development boundaries. It is not enough simply for planning permissions to be granted the calculation regarding whether the Council has a 5 year land supply and a 20% buffer is measured based upon housing completions, so the development industry has an equally important role in delivering housing.

7. Parking issues and cumulative traffic issues

Concern was raised that the Council's parking standards need to be reviewed and that in some cases inadequate car parking was being provided with new development. The Planning Policy team have been looking at parking demand closely as part of the work on the emerging Place Making Plan Development Plan Document (DPD). The result of this work is that the Council is proposing to introduce minimum parking standards for certain types of development.

The proposed level of parking for residential development outside of the central area of Bath is 1 space per 1 bedroom dwelling, 2 spaces per 2-3 bedroom dwelling and 3 spaces for 4 bedroom dwellings and above.

Hitherto we have been operating maximum parking standards but it has been recognised that in some locations this has led to problems with excessive on-street car parking manifesting itself in pavement parking, obstruction of driveways and accesses, hindrance to larger delivery vehicles and refuse vehicles, damage to soft landscaping and footways, and cluttered, unsightly streets.

Any departure or reduction in parking spaces from the prescribed standards will need to be fully justified by an accessibility assessment and car parking management strategy (see below). Any car parking management strategy should include reference to off-site impacts, and existing/proposed residents' parking zones.

Cumulative traffic issues were raised as a key issue and in particular a perception that the planning and transport departments were not linking well together. We intend to start holding regular meetings between managers within highways and planning to understand better the capital programme which highways are bringing forward. This we envisage will enable closer working relationships and more joined up working. It is also notable that there has been significant numbers of staff changes within the highways team over the last 18 months. Once we have more continuity in staffing this should likewise assist further.