

# South Swindon Parish Council

## Planning Guidance

### Introduction

This guidance note sets out how South Swindon Parish Council will engage with parish residents when dealing with Planning Applications and explain how the Planning Process operates.

### Planning Applications

A Planning Application is submitted to the Planning Authority, which is Swindon Borough Council by a developer or an individual. The Planning Application is given a unique number and the details of the Planning Application are placed on the Swindon Borough Council website. The address is

<http://pa1.swindon.gov.uk/publicaccess/search.do?action=advanced>

and then following the links to Planning Applications searches. There will sometimes be 2 numbers for the same address, one number prefixed LBC. This will mean that the plans also require Listed Building Consent.

### Planning Application Process by Parish Council

Due to the number of Planning Applications received by the Parish Council it is not possible for the Parish Council to consider every Planning Application at its Committee. The Planning Applications are vetted by the Clerk and straight forward Planning Applications for work like rear extensions or conservatories is referred to the Chair and Vice-Chair of Planning & Environment Committee for comment. These comments are then reviewed by the Planning & Environment Committee before being sent to Swindon Borough Council.

Parish Councillors have the power to ask for a Planning Application to be considered by the Planning & Environment Committee if they wish. Members of the public can therefore ask a Parish Councillors to call in a Planning Application to be considered at Committee.

### Planning & Environment Committee Meetings

The Planning & Environment Committee of South Swindon Parish Council normally meets on a Tuesday evening.

The Planning Applications that have been received by Swindon Borough Council and that are going to be considered by Committee are placed on the Agenda for the meeting. The Agenda is placed on the Central Library noticeboard and on the Parish Council's website. The address is [www.southswindon-pc.gov.uk](http://www.southswindon-pc.gov.uk)

### Public Attendance at Meetings

Members of the public are welcome to attend any meeting of the Parish Council. The public are given a 10 minute session at the beginning of the meeting where they can make representation regarding any Planning Application that is on the Agenda. This can be an objection or in support of a Planning Application.

The Parish Council considers it important that Parish residents should be allowed sufficient

time to express their views at meetings of the Planning & Environment Committee. If there is not sufficient time in the 10 minute session for all the public to speak, the Chair of the Planning & Environment Committee may request from the Committee permission to adjourn the start of the formal meeting to permit members of the public to make representation of their views.

Once the formal meeting has started, the public are able to remain, but they can only observe the meeting and not speak.

The Planning Applications will be considered, one at a time, and discussed by the Committee. A proposal will be put forward to either object to the Planning Application and the planning reasons for this or, if there are no planning reasons to object, a motion of 'No Objection' will be proposed. The Committee will then vote on the proposal and that will be the decision of the Parish Council. Please note that objections made must only be for planning reasons.

### **Large Planning Applications**

Large will normally be defined as in excess of 15 dwellings, or a retail or commercial development with an area greater than 150 sq metres, although this is flexible and this procedure should be considered for smaller developments where there is significant public concern about the proposals.

If a number of the public have attended for a large Planning Application, the group will be asked to put forward a spokesperson to put forward their concerns. Further speakers should make new points and not repeat the previous speaker.

When the Parish Council knows in advance that a Planning Application is going to be of interest to a large number of parishioners, the Clerk will arrange for an additional Planning & Environment Committee Meeting to be held where the only business on the agenda will be to determine the Parish Council's response to that Planning Application.

The public session may be extended (as described in 'Public Attendance at Meetings'). At the conclusion of the public session the Chair will sum up the concerns that have been raised before the start of the formal meeting.

The Planning Application will be considered (as described in Public Attendance at Meetings) and a decision made by the Parish Council.

### **Pre Application Discussions**

For large Planning Applications the developers may request a 'pre -application' discussion with the Parish Council. These proposals will be treated as confidential by the Parish Council unless the developer has indicated that they are happy that details are shared with the public.

When this appears on the Agenda of a Planning & Environment Committee Meeting, the public are able to give their views at the beginning of the meeting (as described in 'Public Attendance at Meetings'), but they will not be able to stay and listen to the discussion by the Parish Council.

The Planning Authority, Swindon Borough Council may also request for larger Planning Applications that an Environmental Impact Assessment is carried out. The first step of the large Planning Application would be for the developer to approach Swindon Borough Council to find out whether an Environmental Impact Assessment was needed. This request can be given a unique Planning Application number, but should not be considered a Planning Application. If this appears on the Agenda of the Planning & Environment

Committee, it will only be so the Parish Council can note the request. There is no decision for the Parish Council to take at this stage and the merits of possible future plans cannot be discussed.

There are strict rules to be followed by the Parish Council when giving their decision on Planning Applications. One of the most important is called predetermination. This means that the Parish Council can only discuss a Planning Application when it is on the Agenda and they have the plans before them. If the Parish Council decided to support or object to a Planning Application at a meeting and before they had seen the plans, then this would be considered predetermination. The Parish Council would then give up their right to comment on the Planning Application. It is very important that this does not happen.

For large Planning Applications, the Planning Authority will require the developer to have held public consultations ahead of submitting their Planning Application. This could be through the Parish Council by attending a Planning & Environment Committee Meeting or on their own by an exhibition or meeting.

Residents that have concerns over large Planning Applications are invited to provide contact details, preferably email address, to the Clerk so that they can be notified of significant events or dates.

### **Planning Decisions**

The decision of the Planning & Environment Committee is given to the Planning Authority and it is Swindon Borough Council that decides whether to grant the Planning Permission.

The decision of the Planning Authority may be made by a Planning Officer, if it is a small Planning Application or the Planning Committee for larger Planning Applications.

The Parish Council has the right to request that a Planning Application is determined by the Planning Committee at Swindon Borough Council if they can demonstrate that there is an important issue of principal in their objection to the Planning Application. Parish Councillors will then attend the Planning Meeting at Swindon Borough Council to support the view of the Parish Council.

Whilst the views of the Parish Council and Swindon Borough Council normally coincide, that is not always the case. An assumption should not be made that the decision of the Parish Council will be followed by the Planning Authority.

### **Conduct of Parish Councillors**

Parish Councillors are free to share any information that is within the public domain with residents. Any document submitted with an application, unless marked 'confidential', 'commercially sensitive' or similar and any document published on Swindon Borough Council's 'Planning Public Access' webpages are considered to be in the public domain.

Parish Councillors are free to engage with residents, residents groups etc. and may express their own views on the merits of any application. They may **not** give any indication as to the likely response of the Planning & Environment Committee before an application is considered by that Committee.

### **Swindon Borough Council Planning Meetings**

When the Parish Council has asked for a Planning Application to be determined by the Planning Committee at Swindon Borough Council or for larger Planning Applications determined by Committee, the Parish Council is expected to attend the Planning Committee meeting to put forward the views of the Parish Council.

This would normally be the Chair of Planning & Environment Committee. However, the Chair may decide that another Councillor might be better placed to put forward the views of the Parish Council and the Chair has the authority to invite that Councillor to speak on behalf of the Parish Council.

Other Councillors may attend the meeting and speak, but they must make it clear that they are giving their own views (which could be as a Parish or Borough Councillor) and that they are not representing the Parish Council.

This is particularly important when a Borough Councillor is speaking on behalf of the Parish Council. They must ensure that the Parish Council response is kept separate from any views that they may wish to express as a Borough Councillor.