



Planning and Rights of Way Panel

The Planning Panel is made up of elected members of the council who have delegated powers to make decisions regarding planning permission. They meet periodically to consider planning applications which are large or complex, controversial or have many objectors.

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Special procedures for the planning and rights of way panel

1. The requirements for motions and rules of debate shall not apply in respect of matters that have to be determined by a process that is akin to being quasi-judicial save where the Head of Legal Services advises to the contrary.

(Council Procedure Rules 13 and 14 are disapplied as appropriate)

NOTES

1. The attached order and manner of dealing with individual items of business of the Panel forms part of this Special Procedure.
2. In pursuance of Council Procedure Rule 26.2, the Chair may waive or vary a Special Procedure in exceptional circumstances where to do so would be in the interests of fairness or natural justice.
3. Any questions of interpretation of these Special Procedures shall be determined by the Head of Legal Services or his representative at the meeting.

Procedure for consideration of planning applications

1. Chair introduces consideration of individual planning application and invites interested parties to come forward to the table.
2. Planning Officer summarises report.
3. Members of the public can only address the Panel at the invitation of the Chair. Representations by members of the public including appellants should not exceed the time limits agreed by the panel. In the case of a major application, these are 15 minutes in total for all objectors collectively and 15 minutes for the Applicant or their Agent. In the case of a minor other application, these are 5 minutes in total for all objectors collectively and 5 minutes for applicants or their agents. You should ask the clerk if other objectors have arrived so that you can

- arrange for a spokesperson to speak, or allocate the time available equally between speakers.
4. The Chair is unlikely to accept representations which repeat points that have already been made.
 5. Chair invites planning/highways officers to respond to comments made.
 6. Chair invites Members of the Panel to give their individual comments. (Members may request clarification on particular aspects of the application from planning officers or others that are present.)
 7. The Panel will formally reach a decision by voting.
 8. The Chair will clarify the decision to those present

Making your representation

Valid objections:

The city council is obliged under statute to consider the merits of the application and weigh these against any legitimate objections. The Government is firm that planning permission should be granted unless there are clear planning reasons for not doing so. The presumption is in favour of development.

Planning permission will not be refused simply because objections have been made. Objections need to be a 'planning consideration'. The view of local residents and other committees (such as Hampshire County Council, English Heritage, English Nature and the Water Authority etc) will only be taken into account if they are relevant planning considerations.

Planning Considerations include: (examples)

- Substantial damage to the amenities of residents caused by noise, disturbance, smell or loss of light
- The visual impact of a development - what it will be like to look at, not the loss of a view.
- Highway safety including the need for parking.
- The approved policies of the City Plan City, the South Hampshire Structure Plan and the Council Development Control Briefs.
- Government advice as set out in a wide range of Department of the Environment Circulars and Planning Policy Guidance notes.
- The existing use of the site, or any previous planning permission already granted for the site - for example, it would be wrong to refuse permission for the principle of a block of 20 flats if previous permission existed for 25 flats.
- Design, materials, amenity space of the scheme etc although the degree of control in these areas is restricted.

Invalid objections

People often raise objections on non-planning grounds. These cannot be taken into account.

The following are not planning considerations:

(examples)

- Loss in the value of your house or property as a result of the development.
- The developer not having other forms of consent, such as a licence for dancing and entertainment, which is dealt with by another committee or agency outside the city council.
- Disturbances during construction work, (however this may be relevant in large scale developments close to houses).
- An opinion that there is no need for the development e.g. having enough hot food take-always in the area already.
- Restrictive covenants, for example restricting the business use of premises, which is a private matter for the landowner.
- Boundary disputes - which are also for the owner to resolve.

In cases of racially motivated objections, the council is bound by the Race Relations Act and its own policies to eliminate racial discrimination and racial objections will not be taken into account. This will not prejudice the duty to take into account race issues where they are lawful material considerations.

Permission can be granted or refused retrospectively. The fact that a development has already taken place is not in itself a reason to grant or refuse permission.

Conditions of applications

You may agree with the application, but disagree with just some of its aspects. In this case you can ask for conditions to be attached to the approval for planning permission. Conditions can be attached in some circumstances and the following are examples but not an exhaustive list:

- Hours of operation on hot-food takeaways.
- Obscure glazed windows to overcome privacy problems.
- The precise use of a building.
- Boundary treatment.

Objecting to planning applications and asking for conditions to be added are known as making a representation.