



What powers do Frodsham Town Council have with respect to planning applications?

Frodsham Town Council is consulted by the relevant Planning Authority – Cheshire West and Chester Council - on planning applications. Frodsham Town Council is a consultee only, not the Planning Authority. Any views expressed by the Town 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** Frodsham Town Council.

Frodsham 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.

Do Frodsham Town Council grant planning permission?

- Frodsham Town Council is not a Planning Authority. Town Council Councils are statutory consultees in the planning process
- This means that they only have the right to be informed of planning applications within Frodsham
- Frodsham Town Council (FTC) cannot approve or reject planning applications
- FTC 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 Frodsham Town Council
- FTC 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 does Frodsham Town Council comment on planning applications?

- Frodsham Town Council 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 Town Clerk to the relevant planning authority
- The process is exactly the same as that of an individual wishing to comment on a planning application
- Frodsham Town Council is a statutory consultees and has 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':

- Cheshire West and Chester Local Plan 2015
<https://www.cheshirewestandchester.gov.uk/your-council/policies-and-performance/council-plans-policies-and-strategies/planning-policy/local-plan>
- Supplementary Planning Documents
- Neighbourhood Development Plan and any review of the Development Plan which is underway
- Government Planning Policies/Guidance including National Planning Policy Guidance Notes (PPGs) etc.
- Adopted supplementary guidance – for example, village design statements, conservation area appraisals, car parking standards.
- National Planning policy Framework
- Previous Planning decisions (including existing uses)
- Design
- Materials
- Crime and community safety
- Need (eg Agricultural Workers Dwelling)
- 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 the case:

- Speculation over future use
- The identity of the applicant or occupant
- Unfair competition – takeaways, name of business (e.g. Different supermarket chains)
- 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
- The developer's motives, record or reputation
- Internal layout
- Provision of services

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 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