

Newton St Cyres Parish Council: Guidelines for Discussing Planning Applications and Development Proposals

INTRODUCTION

As a Parish Council (PC), Newton St Cyres PC plays a critical role in representing local interests when considering and commenting on planning applications and development more generally. While there is no statutory requirement for the PC to respond to planning applications (unless stated in the Standing Orders), the PC is a statutory consultee in planning and development – the Planning Authorities must take into consideration the PC’s views **but does not necessarily have to agree with them.**

The following guidelines are intended to support parish councillors in conducting discussions of planning applications and development proposals in a fair, transparent, and informed manner.

Role of the PC

In considering development within the Parish, the role of the PC is to:

- Provide local knowledge.
- Act as a representative of local views.
- Raise areas of concern.
- Achieve a balance between development and protection, between public harm and public benefit.
- Operate in the public interest.
- Inform, debate, and add value to the process.
- Contact and involve District Councillors if required. This can, for example, include a request for the District Councillors to “call the application in” so that it is decided by the Planning Committee and not just a Planning Officer.

Preparation and Reporting

Prior to considering planning issues it is important that:

- All councillors have access to relevant planning documents prior to meetings.
- Councillors have familiarised themselves with essential parts of local planning policies, relevant national regulations, and what are considered as **material considerations.**
- Councillors visit the Mid Devon District Council (MDDC) Planning portal, where appropriate, to gain a better understanding of the application.

- The PC ensures meetings are open to the public and that agendas are published in advance. Planning applications are posted on the Parish Councils Facebook page with a link to MDDC's planning portal
- The PC maintains accurate records of discussions and decisions.
- In some cases, the PC may decide to conduct a site visit. Agreement would be sought from the relevant planning applicant prior to the meeting taking place.

Conducting Discussions

When the PC is conducting a planning application review at a public meeting:

- Councillors should declare any personal or prejudicial interests at the start of the discussion and refrain from participating if appropriate.
- All councillors and members of the public should be allowed to express their views respectfully, following the council's Standing Orders.
- The PC can and will seek the views of residents of the Parish, particularly in controversial cases, and will reflect such local feeling during the deliberation process. However, should there be widespread objection, or support, for a proposal the PC will always urge members of the public to send their own individually written letters or e-mails direct to the planning authority.
- Members of the public attending the meeting can comment, speak in support of or object to any application during the 'Open Forum' segment of the meeting, **but not during the council's deliberations later**. However, they may be asked to provide clarity on details of the application during the PC's deliberations at the invitation of the person chairing the meeting.
- The focus of the discussion should be on planning matters and should avoid irrelevant or personal comments.
- The PC should respond to queries from residents regarding planning applications in a timely and professional manner.
- The PC can only comment on planning applications in the same way as any other member of the public, however, any comments by the PC **must be agreed during a properly called public council meeting**. In January and August where there is no Parish Council meeting, authority is delegated to the Clerk to respond to planning applications after consultation with Councillors.
- The PC is only one consultee and counts as one opinion. Without advice from residents of the Parish the members of the PC will give their own opinions.
- It is important to bear in mind that opinions **backed by strong policy related evidence** have greater impact than the number of opinions.
- The PC's comments in response to a planning application can only be based on planning matters and specifically on **material considerations**. The inclusion of

non-material considerations may result in the views of the PC as being considered by MDDC as unlawful and excluded.

- Objections should be clear, concise, relevant, and accurate to stand a chance of being accepted.

Point for Consideration

Any comments or objections made must be a **genuine material planning consideration** and be of relevance to the development. The areas for consideration include:

- Does it conform with or conflict with community plan/ vision/ parish policies/ priorities or aspiration (size, location, type)?
- Is the layout, density, scale of development appropriate or not?
- Is the development within the conservation area?
- Is it a listed building or affecting a listed building?
- Does the appearance blend into or conflict with the surroundings, specially designated area or building (e.g. conservation areas, listed buildings, ancient monuments, etc.)?
- Is there a loss of important open space or physical features, or access to play areas, as a result of the development?
- Is there a risk of increased flooding (e.g. waterway blockage, runoff) or pollution (e.g. sewage) or fire risk, to other properties, open spaces, footpaths or highways) ?
- Is there overlooking and loss of privacy for other dwellings nearby?
- Does the development cause overshadowing and loss of light (daylight/sunlight) to other houses/ buildings?
- Does the development cause access and highway safety issues, or reduce the safety of pedestrians, particularly around schools?
- Will the development affect the adequacy of parking?
- Will the development adversely affect the viability of the local economy?
- Are there issues with design, appearance and materials?
- Will there be noise and smell issues after construction (not during)?
- Will the development adversely affect the landscape, land contamination, loss of trees, nature conservation and/or biodiversity?
- Is there any past planning history or appeal decisions relating to the site which need to be considered?
- Are there local parishioner valid objections, raised at the meeting or in advance of the meeting?
- Does the development conflict with relevant parts of the Local Plan policies?

- Does it conflict with Central government policy and guidance such as the National Planning Policy Framework (NPPF)?

Assessment of these planning consideration should be recorded in the attached template.

Special rules apply for listed buildings, conservation areas and trees (some are protected by Tree Preservation Orders). In addition planning permission is needed for advertisements above a specified size.

Points Not For Consideration

The following points are not relevant to the planning discussion:

- The history of applicant including work done without planning permission.
- Any loss of view by neighbours.
- Commercial competition.
- Changes from a previous scheme as these do not generally raise substantive planning issues.
- Impact on the property's value.
- Loss of other property values.
- Issues of morality.
- Restrictive covenants.
- Ownership of land, right of access.
- Noise and disturbance from construction work.
- Land and boundary disputes.
- Land ownership.
- Damage to property.
- Private rights of way.
- Deeds and covenants.
- Private issues between neighbours.
- The sheer number of objectors.

Making Recommendations

Following the meeting, the PC must report its recommendations in writing to the Local Planning Authority (MDDC).

When the PC response is 'NO OBJECTION' it is satisfied that all the above have been considered carefully and applied to the application under consideration so has no area for objection. However, the PC may make recommendations for planning conditions to be added to the application should the local authority grant approval.

When the PC makes a recommendation regarding a planning application, it should:

- Base decisions and recommendations **on material planning grounds**, as discussed above. Do not include **non material considerations** as these may invalidate the response.
- Record the reasons for support or objection clearly in the meeting minutes.
- Submit comments to the local planning authority within stipulated deadlines.
- Whilst the local planning authority must consider the representations of the PC this does not mean that an application will be decided in accordance with the views of the PC. In reaching a decision, the local planning authority is required to weigh up all issues associated with an application and comments made by the PC may have insufficient weight to enable the application to be determined in line with the wishes of the Parish.

Template for Recording Planning Application Assessments.

NSC-PC PLANNING CHECKLIST	
Plan ID: <i>applicants name/post code</i>	Date:
Planning portal ref:	
CRITERIA:	ASSESSMENT:
Does it conflict with community plan/ vision/ parish policies/ priorities or aspiration (size, location, type)?	<i>Yes/no reasons</i>
Is the layout, density, scale of development inappropriate?	
Is it within the conservation area?	
Is it a listed building or affecting a listed building?	
Does the appearance conflict with the surroundings, specially designated area or building (e.g. conservation areas, listed buildings, ancient monuments, etc.)?	
Is there a loss of important open space or physical features or access to play areas?	
Is there a risk of flooding (e.g. waterway blockage, runoff) or pollution (e.g. sewage) or fire?	
Is there overlooking and loss of privacy for other dwellings?	
Does it cause overshadowing and loss of light (daylight/sunlight)?	
Does the development cause access or highway safety issues especially to pedestrians and around schools?	
Will it reduce the adequacy of parking?	
Will it adversely affect the viability of the local economy?	
Are there issues with design, appearance and materials?	
Will there be noise and smell issues after construction?	
Will it adversely affect the landscape, land contamination, loss of trees, nature conservation or biodiversity?	
Is there any past planning history or appeal decisions relating to the site?	
Are there local parishioner valid objections?	
Does it conflict with the Local Plan policies?	
Does it conflict with Central government policy and guidance (National Planning Policy Framework)?	
OVERALL ASSESSMENT:	