

MIDDLETON ST GEORGE PARISH COUNCIL

PLANNING COMMITTEE

Terms of Reference

1. Authority

The Planning Committee is appointed by, and solely responsible to Middleton St George Parish Council. The Committee's duties are defined and agreed by the full Parish Council, which may vote, at any time, to modify the Committee's powers. Meetings to be held every 4 weeks, in advance of the meeting of the full Parish Council, with dates to be agreed between Clerk and the Committee.

The Committee has certain delegated powers, but also has an advisory role to the full Parish Council. These powers are set out below under Point 4 (Responsibilities).

2. Membership

The Committee will consist of no fewer than four elected parish Councillors, to be agreed at the Annual Parish Council meeting. At its first meeting, the members of the Committee will elect a Committee Chairman to preside over future meetings– to be re-elected each year following Annual Parish Council meeting.

The members of the Committee will also elect a Committee Vice Chairman if thought appropriate, although any Elected member can preside by agreement in the Chairman's absence.

A quorum will be a minimum of three elected Members.

Should any of the 4 parish councillors not be able to attend a Planning Committee meeting it is their responsibility to inform the Clerk in good time and make arrangements for a substituted Cllr to attend in their place so that the meeting shall remain quorate.

Chairman & Vice Chairman of Full Council will have automatic membership and full voting rights.

3. Records of Proceedings

The Committee will meet 4 weekly to prepare responses to all routine planning matters. Written minutes will be taken by the Clerk to the Council to record the Committee's decisions and will be circulated to all Councillors, received at the next Full Council meeting (where any decisions shall be agreed or voted on, and noted in the minutes of the full Council) and adopted at the next planning meeting. The Parish Clerk will be responsible for arranging the recording and distribution of the minutes. All decisions will be relayed to the relevant planning authority by the Clerk. The minutes will be published online.

4. Responsibilities

The Committee has full delegated powers to make a Council decision regarding representations to the appropriate authorities regarding all planning applications in the Parish, unless on vote the planning committee decides that the application should be passed to full Council due to its size, controversial nature or effect on the parish.

- (a) To consider and respond to all planning applications whether notified under the Local Government Act 1972, Section 20, Schedule 16 or not.

- In relation to the approval or otherwise of any development plan or strategy proposals under planning legislation affecting the parish;
- In respect of representations to the Local Planning Authority in support of any departure application;
- In relation to any arrangements between the parish council and the Local Planning Authority about the involvement of the parish council in the discharge of planning functions;
- To bear in mind environmental aspects when considering planning applications.

Full planning applications or applications which may affect the overall environment or atmosphere of a local area shall be referred to the full Parish Council. Any two Councillors may request an application be deferred for a meeting of the Full Parish Council.

- To seek to ensure high standards to planning for all new developmental activity within the Parish and to seek to ensure that any development is commensurate with the character of the Parish.
 - Time sensitive response may be made by the Committee Chairman or Clerk following a majority decision by the Committee.
 - To seek to ensure that the general environment within the Parish is monitored, so far as is possible and to report to the appropriate authority any potential hazards, breaches, etc.
 - To attend meetings of the Planning Committees of the Principal Council and to speak on behalf of the Parish Council.
 - Where an application is subject to an appeal, the Committee is authorised to make written representation or to elect a member of the Committee to attend the hearing.
 - Where site meetings are arranged by the Principal Council, and where notified of a site visit, at least two members of the planning committee should attend where possible.
- (b) The Committee has delegated powers to carry on the work of the Neighbourhood Development Plan, and to make recommendations to, and report, the full Parish Council in respect of its progress, which will have the full involvement of the community and support of the Parish Council.
- (c) Where appropriate (such as in relation to the NDP), the Committee may invite members of the public or residents with certain skills to participate in meetings. However, they shall have no voting powers.
- (d) To comment on licenses when requested to do so.
- (e) To comment on street naming where requested.

5. Procedure

Clear and concise formal resolutions are required at all times to avoid ambiguity in the minutes and to ensure that the intention of the resolution is conveyed to the members for them to vote on.

Planning applications shall be circulated to Planning Committee members, as well as the Chairman of the Parish Council, as soon as possible following receipt by the Parish Clerk from the Planning Authority. Notifications and applications may be circulated to the Committee by email.

The Parish Clerk will write letters detailing the Planning Committee's recommendations to the Planning Authority, or other relevant body and will ensure that these letters arrive within the timescale for each application.

All correspondence shall be conducted through the Chairman of the Planning Committee, the Chairman of the Parish Council or the Clerk of the Parish Council wherever possible.

The Planning Committee may canvas opinions for and against applications to assist with fair determination of applications. The Committee has an obligation to ensure that relevant parties are given an adequate hearing – applicants, as well as objectors, will have the opportunity to speak at meetings in accordance with the Parish Council Standing Orders.

Meetings shall not be held in premises being used at the time for the supply of alcohol permitted by the Licensing Act 2003 unless no other suitable room is available free of charge or at a reasonable cost.

Notice of the time and place of meetings must be fixed in a conspicuous place in the parish at least 3 clear days before the meeting.

All Members of the Committee shall be given at least 3 clear days written notice of a meetings of a committee from the Clerk specifying the business proposed to be transacted (the agenda, to be agreed with the Chair and the Committee).

6. Meetings

Order of Business

Business will usually be dealt with in the following order:

- Record of Members present;
- Record apologies and reasons for absence;
- Declarations of interests (existence and nature) with regard to items on the agenda;
- Formal announcements from the Chair;
- Agreeing the minutes of the last meeting and signing them;
- Public participation session with respect to items on the agenda;

Business placed on the agenda

The Items on the Agenda of the Parish Council Planning Committee shall consist of those relating to responsibilities as listed under 4 above.

The Parish Council Planning Committee shall consider all planning matters in light of National Planning Policy (NPPF), local authority Local Plan, as well as the current NDP document (NB. The NDP document is still at pre-draft stage, and has yet to be finalised, be put to a Referendum and approved, so this can currently only be used for information purposes).

The Parish Council Planning Committee shall use whatever pro forma and internal referencing system it deems suitable to enable it to respond appropriately to planning applications.

Note:

Councils operating delegation arrangements may consider it appropriate to extend the provision for public participation to committee meetings. The extent of public participation in committee meetings can be regulated and limited as appropriate.

Decisions

For delegated powers, decisions shall be recorded in the minutes as “RESOLVED”

When the Planning Committee is considering advisory matters, decisions shall be recorded in the minutes as “RECOMMENDED”

Voting

- Subject to any legal requirement all questions to be decided by a committee shall be decided by a majority of the Members present and voting.
- Unless otherwise provided by Standing Orders, Members shall vote by show of hands. A Member’s vote will only be counted if the Member is in the room of the meeting at the time the vote is taken.
- Immediately before a vote is taken any Member may request that a vote is recorded. When a request is made the Chair, or other Member presiding, shall call the names of all the Members and after each name is called the Member shall state whether they are voting for or against the question put or abstaining. The record of voting shall be recorded in the minutes.
- In the case of an equality of votes the Chair, or other Member presiding the meeting, has to give a casting vote in addition to their first vote.

Minutes

The minutes must record the names of Members present at the meeting and the existence and nature of any interest declared by Members.

The minutes are not a verbatim record of debate at a meeting but must accurately reflect the resolutions made and record voting if this is requested by a Member at that meeting.

The draft minutes of a meeting must be attached to the agenda for the next meeting for approval and signing by the Chair (or persons presiding the meeting).

There should be no discussion in respect of the draft minutes except that which relates to the motion to agree the accuracy of the draft minutes.

Any corrections shall be made by moving that the minutes are agreed with the corrections stated.

Attendance by Members

Any Member not being a Member of a committee may attend any meeting of the Committee but their right to participate in the meeting will be equal to the public’s right to do so and should be governed by Standing Orders.

Individual Members

A Member cannot individually exercise any statutory functions of the council on behalf of the council.

All members to attend relevant planning training sessions.

7. Terms of Reference

These Terms of Reference shall be reviewed annually to ensure they are in line with Statutory requirements, NALC guidelines and Best Practice, and that they continue to have relevance to the community.

MSG PC Planning Committee Terms of Reference – Adopted by the Parish Council on 13th June 2016

Planning objection

When a [planning application](#) is submitted to a [local planning authority](#), there must be a [public consultation](#) period of three to eight weeks to give people affected by the application the opportunity to comment, either supporting the application or objecting to it. When groups of people work together to prepare their comments, they will have a much greater chance of influencing the decision that the [local planning authority](#) reaches.

It is very important that the application is read properly before commenting and that comments are restricted to material considerations. It is common for people to object to [planning applications](#) citing grounds that are not valid. The [local planning authority](#) will not be able to take these objections into account when reaching their decision. However, as responsibility for dealing with [planning applications](#) has been delegated to [local authorities](#), valid reasons for objection vary from one authority to another and there is no central, comprehensive list of valid objections.

A list of objections that will generally be accepted is presented below. This is followed by objections that are commonly made but are generally not accepted.

Objections that are generally valid include:

- The proposed development is contrary to national, regional or local [planning policy](#), government circulars, orders or statutory instruments.
- The proposed development is not in keeping with the stylistic context or scale of the local area.
- The proposed development will have a negative impact on the amenity of another property, through noise, overlooking, overshadowing, smells, [light pollution](#), loss of daylight, loss of privacy, [dust](#), vibration or late night activities.
- The proposed use is not compatible with existing uses, for example an industrial use in a residential area.
- The development may cause traffic problems such as traffic generation, access or safety problems.
- The proposal reduces the amount car parking available or provides insufficient parking space itself.
- There is a history of rejecting similar developments in the area.
- Approval would create a precedent meaning that it would be difficult to object to similar proposals.
- Local [infrastructure](#) is not adequate to service the proposed development.
- The proposal is a piecemeal development that would prevent proper development of the area.
- The proposal will have an economic impact, such as impacting on tourism or on small businesses.
- The proposal will have [environmental health](#) impacts such as the use of hazardous materials or ground contamination.
- The proposed development will impact on [listed buildings](#) or a [conservation area](#).
- The layout and density of the proposed development is inappropriate.
- The proposal is an inappropriate development within a [green belt](#).
- Proposed advertising creates visual clutter.
- The proposed development includes insufficient landscaping.
- The proposed development will demolish or adversely affect an ancient monument or site of cultural or [architectural](#) value.

- The proposed development will damage the natural environment or will result in significant loss of trees or the loss of trees for which [tree protection orders](#) are in place.
- The cumulative impact of the development when considered alongside other development will have an adverse impact on the area.
- There is inadequate access for [people with disabilities](#).
- Archaeological issues.
- The type of housing proposed will not satisfy local housing needs.
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Objections that are generally not valid include:

- [Building regulations](#) issues.
- Private issues such as boundary [disputes](#).
- Reduction in the value of properties affected by the proposed development.
- Impacts resulting from the construction of the development.
- Loss of existing views.
- The possibility of the proposed development causing problems in the future.
- The personal or business circumstances of the applicant
- Problems with notification of the application.
- Competition with existing companies.

Most [planning applications](#) are decided by Senior [Planning Officers](#) under delegated authority, however if a [planning application](#) is considered at a [planning committee meeting](#), people that objected to the application should be invited to attend. A representative of those objecting may be permitted to make a short presentation to the committee.

If the applicant appeals against the decision there should be a further opportunity to object.

The National Planning Policy Framework (NPPF)

<http://planningguidance.communities.gov.uk/blog/policy/>

The National Planning Policy Framework was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied.

Planning Practice Guidance

Achieving sustainable development [Print](#)

International and national bodies have set out broad principles of sustainable development. Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The UK Sustainable Development Strategy *Securing the Future* set out five 'guiding principles' of sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;

- moving from a net loss of bio-diversity to achieving net gains for nature;
- replacing poor design with better design;
- improving the conditions in which people live, work, travel and take leisure; and
- widening the choice of high quality homes.

Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

The presumption in favour of sustainable development

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

The National Planning Policy Framework constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.

At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

For **plan-making** this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

For **decision-taking** this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All

plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

The application of the presumption will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:

- develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development
- plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan; and
- identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with their neighbourhood plan to proceed.

Core planning principles

Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);

- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.