

# Luddington Parish Council

## Planning Applications Policy & Procedures

*This policy was adopted by Luddington Parish Council at its meeting held on Tuesday 21<sup>st</sup> November 2017 and will be reviewed annually.*

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### 1. Introduction

1.1 The following abbreviations are used in this document:

- HMG refers to Her Majesty's Government;
- SDC refers to Stratford District Council; and
- LPC refers to Luddington Parish Council.

1.2 SDC's website ([www.stratford.gov.uk](http://www.stratford.gov.uk)) should always be referenced for the correct status on applications. Information on applications is also provided in LPC's website ([www.luddingtonpc.org](http://www.luddingtonpc.org)).

1.3 LPC is always consulted by SDC about applications in the parish. The options for LPC's response are:

- Support;
- No Representation; and
- Objection.

Additional comments may be added to clarify reasons for Support or Objection. Additional comments may not be added to No Representation, as this response confirms LPC has nothing to say in relation to the application.

1.4 For minor applications (e.g. extension of an existing property) it would be typical for LPC to ask that residents' comments are taken into account.

1.5 For more significant applications that affect the wider community it is likely that LPC will want certain specific comments or concerns to be taken into account particularly in relation to the guidelines and policies set out in HMG, SDC and LPC documents. When LPC takes the decision to object to an application it is broadly doing so because it thinks that the impact on the location is significant and the case is worth making.

1.6 LPC's comments will be made on valid planning grounds, known as **material considerations** (see below). **Non material considerations cannot be taken into account.**

1.7 SDC makes the decision to approve or reject an application (i.e. not LPC). Applications are determined by SDC's assigned Case Officers under delegated powers as laid down in section 101(1) of the Local Government Act 1972 only if the following circumstances apply:

- the application is not a Major application; and

- the Parish/Town Council and Ward Member (District Councillor) share the assigned Case Officer's view of the proposal i.e. they all support or object (with planning reasons).

For Major applications, delegated powers are limited to refusal only, and this can only be used where the Parish/Town Council, Ward Member and Case Officer all agree on a refusal. Major applications are determined by committee if there is disagreement between any of these three or when all three are in support and the recommendation is to approve.

- 1.8 If the decision goes against the applicant, they have the right of appeal, and the application will then be decided by a planning inspector.

## **2. Material planning considerations**

- 2.1 LPC can only take into account material planning considerations as identified in the following documents:

- HMG's National Planning Policy Framework;
- HMG's Conservation Principles Policies and Guidance;
- HMG's Permitted Development Rights for householders;
- SDC's Core Strategy; and
- Luddington Parish's Village Design Statement.

- 2.2 Relevant material planning issues include the following:

- overshadowing and loss of light;
- overdominance;
- noise disturbance, smells, obtrusive lighting or other impacts on amenity;
- the planning history of a site;
- traffic and highway safety issues and access;
- traffic generation;
- car parking provision;
- design, including appearance, layout, scale, density and materials;
- local drainage issues;
- local flooding issues;
- loss of important open spaces;
- loss of important community facilities;
- impact on important trees;
- proposed landscaping;
- impact on the character or setting of a listed building; and
- impact on the character or appearance of a conservation area.

- 2.3 These lists are not exhaustive but they give a clear idea of the documents and of the sort of comments that are relevant to the consideration of a planning application.

- 2.4 Further information is available on HMG and SDC websites.

### **3. Non Material Comments on Applications**

3.1 Examples of what are not material planning considerations include the following:

- reduction in property values;
- loss of a private view over land;
- possible future development not included in the application;
- boundary and access disputes, covenants and other private property matters;
- questioning the applicant's motives or morals;
- that a planning application has been submitted retrospectively; and
- commercial competition.

### **4. LPC Policies**

- 4.1 LPC will seek to protect the historic and rural character of the area in accordance with the parish's Village Design Statement whilst at the same time providing for parishioners to improve their properties and for others to develop and build new properties should their plans be considered appropriate.
- 4.2 LPC will consider all planning applications based on their individual circumstances and merits. All responses to planning applications will be based on material planning reasons. Non-material considerations will not form any part of the response to SDC.
- 4.3 Site visits may be carried out and taken into consideration when formulating LPC's response.
- 4.4 LPC will endeavour to respond to all applications within the time frame set by SDC.
- 4.5 In certain circumstances, when there is a situation of wider public concern, a public meeting may be called prior to any decision being taken by LPC.
- 4.6 Councillors are expected to study planning applications on the SDC website ([www.stratford.gov.uk](http://www.stratford.gov.uk)) prior to discussing the application.
- 4.7 Councillors are expected to keep up to date with HMG's and SDC's Planning Guidance and Policies.
- 4.8 LPC will, where possible, discuss and vote on planning applications at LPC meetings. Minutes will record decisions taken at meetings as well as reasons for any objections.
- 4.9 LPC may approach the local District Councillors for their opinion on any application which it is considering objecting to. If an objection is made, then the application is automatically referred to the SDC Planning Committee for a decision.

## **5. LPC Procedures**

- 5.1 LPC uses a web-based forum (which includes a link to planning applications on SDC's website) to gather additional information about applications to that available on SDC's website and to ensure that all Councillors are able to make well informed decisions at LPC Meetings on their responses to applications.
- 5.2 In any discussions with applicants, third parties and members of the public prior to planning applications being received by LPC from SDC Parish Councillors must not give any opinion or view which may be construed as bias or pre-determination. All Councillors must be made aware of the content of any such discussions via LPC's web-based forum.
- 5.3 SDC notifies the Parish Clerk of all new planning applications, any applications going to the SDC Planning Committee and any decisions on past applications.
- 5.4 The Clerk will confirm that the locations of new applications are within the parish boundaries.
- 5.5 The Clerk ensures (by updating LPC's web-based forum) that all Parish Councillors are informed of the notifications. In addition, in the case of new applications, the Clerk will inform Parish Councillors of any LPC Meeting at which a decision on LPC's response to the application is to be made in order to comply with the response date set by SDC.
- 5.6 A Parish Councillor will be expected to declare any pecuniary or other interest in an application which is likely to prejudice their impartiality in accordance with LPC's Standing Orders. A Parish Councillor with declared interest is subject to statutory limitations or restrictions under LPC's code of conduct on rights to participate and vote on LPC's response to the application.
- 5.7 Councillors will note that SDC is encouraging the use of digital rather than printed copies of plans related to new applications. This will provide information in a timely way and remove the delays of sending hard copies around between Councillors. It will also remove the need to store/file paper copies. Therefore Councillors are encouraged to use digital copies. Hard copies can, however, be made available by special arrangement with the Parish Clerk.
- 5.8 Prior to the meeting at which an application is to be considered all Parish Councillors are expected to ensure they are fully informed on the application and its material planning considerations by:
  - individually researching the application;
  - sharing any relevant information on the web-based forum; and
  - familiarising themselves with the research done by others as recorded on the web-based forum.

Parish Councillors must also ensure that they are aware of SDC's assigned Case Officer's position on the planning application. This may be available on the SDC website but if not this will require direct contact with the Case Officer by a Councillor or the Clerk.

- 5.9 Parish Councillors may decide to visit the planning application site, in which case the procedures set out in Appendix 1 will apply.
- 5.10 If the time allowed enables the planning application to be discussed at a regular monthly LPC Meeting the decision should be taken there in public.
- 5.11 If the time allowed does not enable the planning application to be discussed at a regular LPC Meeting then an extraordinary LPC Meeting may be arranged, with the agenda being restricted to planning applications. The extraordinary meeting will be a public meeting subject to the same notification rules and Code of Conduct as a regular LPC Meeting.
- 5.12 The District and County Councillors will be invited to attend LPC Meetings and be empowered to speak.
- 5.13 Applicants and members of the public who wish to make representations concerning a planning application can do so at the appropriate LPC Meeting. The following codes of conduct will apply:
- members of the public are allowed to address LPC in accordance with agreed procedures during the Public Session time of the meeting;
  - if a member of the public is intending to make a public statement they are advised to let the Parish Clerk know;
  - if a number of statements are to be made an agreed time limit per person may be enforced by the Chair; and
  - members of the public are not allowed to participate in the Parish Council's discussions about an application.
- 5.14 Parish Councillors are governed by their Code of Conduct not to reach a decision about a planning matter in a LPC Meeting until all the facts have been properly presented to them.
- 5.15 Decisions on applications will be made in accordance with LPC's Standing Orders and therefore, for the avoidance of doubt, if there is an equality of votes, the Chairman of the relevant meeting may give a casting vote.
- 5.16 In exceptional circumstances where it proves impossible to arrange a public meeting in time to respond to an application or an application is minor and non-controversial LPC may use delegation powers as laid down in section 101(1) of the Local Government Act 1972. In this case:
- delegation will be to the Parish Clerk as the Proper Officer of the Council;
  - the Clerk will ensure that the decision on the response to the application is in accordance with the majority views of the Parish Councillors;
  - the Clerk will ensure that transparency requirements are complied with, specifically that the views of Councillors are available for public information if required; and
  - the Clerk will report back to the next available LPC meeting on any applications which have been responded to by means of delegation.
- 5.17 The Clerk will submit LPC's response on applications to SDC.

## **Appendix 1: Code of Practice for Planning Application Site Visits**

1. All the facts of the application should be in the applicant's prepared design statement, a copy of which is forwarded to LPC along with other supporting documents and site plans by SDC.
2. Site visits will only be arranged where strictly necessary because of one or more of the following:
  - the impact of the proposed development is difficult to visualise from the plans and any supporting material;
  - particular site factors are difficult to assess in the absence of a site inspection;
  - the comments of the applicant and objectors cannot be expressed adequately in writing; and
  - the proposal is particularly contentious.
3. Site visits are not formally constituted meetings of LPC. It is important, therefore, that no decisions are taken or seen to be taken on the application at the visit. Parish Councillors must treat the site visit only as an opportunity to seek information and to observe the site in order to obtain a better understanding of the issues.
4. If a site visit is required a Councillor should notify the Parish Clerk so that arrangements can be made. The Clerk will contact the applicant or the applicant's agent to arrange the site visit. Where entry to the actual site is preferred the Clerk will seek permission and formally write to the applicant enclosing a copy of LPC's Planning Application Policy.
5. A Parish Councillor must not carry out a site visit alone as this can lead to the perception that the Councillor is no longer impartial. It is advisable that a minimum of two Parish Councillors be in attendance at the site visit. A Councillor should not be in attendance if they have a direct interest in, or conflict with, the application.
6. When conducting site visits Parish Councillors must have due regard to the health and safety of themselves and others and follow any given safety instructions on site. Appropriate clothing and footwear should be worn.
7. Parish Councillors must not give the applicant or their agent or a third party their opinions or views concerning the application. Comments may be misconstrued and provide the applicant with reasons to believe Parish Councillors support the application when in reality they could be raising objections or vice versa.
8. Any person present at a site meeting may speak to provide factual information about the site and to identify key site features or relationships with adjoining land uses.
9. Any information gained from a site visit must be reported back to LPC via LPC's web based forum so that all Councillors have the same information and are fully briefed prior to the meeting when the application is discussed.
10. Any questions resulting from the site visit should be directed to the Parish Clerk who will contact SDC's Planning Department.
11. The fact that a site visit had been held prior to the discussion of an application at a LPC Meeting will be recorded in the Meeting's Minutes.