

Lyneham and Bradenstoke Parish Council

Terms of Reference of the Planning Committee



Lyneham and Bradenstoke Parish Council

Terms of Reference for the Planning Committee

Version 1

Adopted by Lyneham and Bradenstoke Parish Council

On

14th January 2020

To be reviewed annually

or

On change of applicable legislation



Introduction

Lyneham and Bradenstoke Parish Council is a consultee of planning applications within the parish of Lyneham and Bradenstoke that have been submitted to Wiltshire Council.

Lyneham and Bradenstoke Parish Council may make comments and/or recommendations on any Planning Application, but the final decision is made by Wiltshire Councils Planning Officers or Wiltshire Councils Planning Committee.

Membership of the Planning Committee

Any Councillor may request to join the Planning Committee, they do not need to have specialist skills but must have a genuine interest in the built environment of the Parish and a willingness to act within the law.

No Councillor may join the Planning Committee if they have a Conflict of Interest, that is if they are engaged in any development within the parish, either personally or by association, this will include any development on their property or land. However, they may join (or re-join) once the Conflict of Interest has ceased.

Lyneham and Bradenstoke Parish Council's Planning Committee consists of not less than three parish councillors and may if required, co-opt other councillors or members of the public who have relevant skills for any application.

At the first meeting after the Annual Meeting of the Parish Council, the Planning Committee shall elect a Chair and a Vice-Chair, who may, with the consent of the majority of the Planning Committee, be replaced by any other member at any time.



Declarations of Interest

Any member of the Planning Committee who has ANY indication that they may need to make a Declaration of Interest on any application must declare it at the beginning of each process and should withdraw from the process for that application. If needed, alternative Councillors, who do not have an Interest, may be co-opted on to ensure a full quorum of the Planning Committee.

If after the process to review a planning application starts, a Councillor finds they have an interest, they must immediately declare that interest and withdraw from the process. If needed, alternative Councillors, who do not have an Interest, may be co-opted on to ensure a full quorum of the Planning Committee.

Delegated Authority

The Planning Committee has full delegated authority to discuss and debate all Planning Applications within their jurisdiction and agree comments to make on behalf of Lyneham and Bradenstoke Parish Council.

This delegation shall only extend to:

- Developments of no more than two dwellings.
- Change of use.
- Variation of planning consent (no more than two dwellings and not a non-material variation).
- Tree Preservation Order consent (except on the Green).
- Advertisement consent.
- Hedgerow removal.
- High hedge complaints.

All other applications shall be referred to the full Parish Council for considerations. The Planning Committee may make a recommendation to the full council, under the full understanding that the recommendation need not be accepted.



Timescales

Normally the consultative period is twenty-one calendar days (fourteen calendar days in some circumstances). This will not include public holidays, where each public holiday in the consultations period will result in one day being added to the consultation period

The Parish Clerk should use best endeavours to notify Committee members of any applications that cannot be brought before the next Planning Committee meeting before the consultative period expires.

Any applications received within a consultation period that ends before the next meeting of the Planning Committee may be: -

- i. Presented to the full council for review at their next meeting, if sooner than the expiry date, or
- ii. The clerk can seek an extension from Wiltshire Council Planning Authority, so that comments or recommendations Lyneham and Bradenstoke Parish Council may be submitted after the period closes.

Meetings

The Parish Clerk or the Chair of the Planning Committee may call Planning Committee meetings as and when necessary to ensure that all Planning Applications received can be discussed and replied to within the timescale.

In exceptional circumstances, because of the timings of meetings, and availability of the members of the Planning Committee, the committee may agree its response to planning applications by email, subject to the normal quorum.



The Planning Committee has an obligation to ensure that any valid comments received, prior to the meeting, from any relevant parties, applicants and objectors, for planning applications (not including enforcement notices), are considered.

All decisions made shall be recorded in minutes.
The decisions that can be made are:

- No Comment
- Support (*reasons must be given if against local or regional policies*)
- Support subject to conditions (*conditions must be stipulated*)
- Object for the following reasons (*reasons must be given*)
- No Objections

Any comments or recommendations, along with the reasons for those comments or recommendations, shall be submitted to Wiltshire Council, as the decision-making authority as soon as possible after the meeting.

Minutes shall be taken to be presented to the full council to be ratified at the next meeting of the full council.

On behalf of parishioners, the Planning Committee may report any planning queries or concerns to Wiltshire Council Planning Enforcement Officers for investigation.

The Planning Committee will work with the relevant officers at Wiltshire Council to develop planning policies which may affect our parish e.g. Conservation area, Heritage Plans, Neighbourhood Plans, Wiltshire Strategic Plans, etc.

When consulted by other authorities on planning policy relating to the above documents or similar the Planning Committee shall submit a response on behalf of Lyneham and Bradenstoke Parish Council; these final submissions shall be reported to Full Council at the next opportunity.



Public Attendance at meetings

Any member of the public can attend any Planning Committee meeting and may be allowed to speak, either for or against any application, at the discretion of the Committee Chair.

Appeals/Planning Application Amendments

Any comments or recommendations made Lyneham and Bradenstoke Parish Council will not be amended within 6 months after their agreement is confirmed by resolution unless additional information is submitted that is relevant to the original application.

Pre-Planning Advice

Householders and developers are encouraged to approach the parish council and its planning committee to discuss building development work during the informal or consultation stages of the planning process, that is before any application is submitted to Wiltshire Council Planning Services.

It is at this informal or consultative stage that applicants can be made aware of material information that could affect the application, it is also the stage where material concerns can initially be raised with the applicant by the Parish Council and the Planning Committee. Though holding these informal discussions, many of the problems that may occur with the planning process can be addressed or identified in good time.

Once an application has been made to Wiltshire Councils Planning Services, the Parish Council and the Planning Committee should refer all requests for advice to the relevant case officer at Wiltshire Council Planning Services.

Site Visits

Site visits will not normally take place unless the exact location of the site is not clearly identified.



If a site visit is required, it must be made with a minimum of two members of the Parish Council, one of which must be on the Planning Committee.

If a site visit is required, a letter of introduction will be provided by the Parish Clerk, prior to the visit which will be carried at all times whilst on site.

At no time may a member of the Planning Committee give any indication as to any recommendation that will be made. The site visit is to view and gather information for the Planning Committee.

Representation at Wiltshire Council Planning Meetings

A representative of Lyneham and Bradenstoke Parish Council, who will normally be a member of the Planning Committee, may attend any Wiltshire Council Planning Committee and make representation on behalf of the Parish. This shall be restricted to a single member per applicable application.

The representation shall be agreed in advance with the Planning Committee, and preferably, by the full council.

Wiltshire Council must be informed in advance that we will be making a representation. If we fail to do this, Wiltshire Council is not obliged to hear our representation.

Notes

This policy has been adapted from best practice guidance by the Planning Inspectorate, under the current National Planning Policy Framework (NPPF), in line with National Association of Local Councils (NALC) Guidance and in consultation with Wiltshire Councils Planning Services.



Annex A

What can the Planning Committee consider?

The following lists are guidance for Lyneham and Bradenstoke Parish Council Planning Committee and neighbours/parishioners who wish to submit comments relating to a live application within the parish.

What can be considered?

- ✓ Shape, size and Density of the development
- ✓ Traffic Generation
- ✓ Overall highway safety
- ✓ Adequacy of parking
- ✓ Overshadowing and loss of light
- ✓ Overall Design
- ✓ Overall Appearance
- ✓ Choice of Material
- ✓ Noise and disturbance from use
- ✓ The effect on the street or area (but not view)
- ✓ Ground Contamination
- ✓ Overlooking and Loss of Privacy
- ✓ Government Guidance, Planning Policy Guidance and Statements
- ✓ Emerging new plans which have already been through at least one stage of public consultation
- ✓ Local (including Neighbourhood Plans), strategic, national planning policies and policies in the local plan
- ✓ Previous appeal decisions and planning inquiry reports
- ✓ History - previous decisions, particularly appeals
- ✓ Comments from consultees
- ✓ Amenity e.g. privacy, sunlight, daylight, noise and smell
- ✓ Highway safety
- ✓ Nature, archaeology conservation and landscape
- ✓ The impact upon adjacent land use



- ✓ Design
- ✓ Human Rights Act

What cannot be considered?

- X Work that has been carried out without planning permission
- X Loss of View
- X Loss of Property Value
- X Noise and disturbance from the construction
- X Building Regulations and other matters controlled under legislation
- X Competition
- X Identity or personal characteristics of an applicant
- X Loss of Morality
- X Land and Boundary disputes
- X Land Ownership
- X Damage to property
- X Private rights of way
- X Covenants and Deeds
- X Private disputes between neighbours
- X Lots of objections – Strictly NOT a reason to refuse

What may exceptionally be considered

- ? Personal circumstances of an applicant
 - Is the applicant disabled?
 - Is the applicant elderly or infirm?
- ? Personal need for development
 - Does the applicant need disability modifications?
 - Does the applicant need a 'granny annexe' (must be verified)?
- ? Financial Considerations
 - Section 143 of the Localism Act deals with local financial considerations
 - Issue of Viability (Open Book)
 - Defined financial 'benefits' especially New Home Bonus and CIL can be considered when 'material to the application'