

## **IDE PARISH COUNCIL PLANNING COMMITTEE**

### **TERMS OF REFERENCE**

#### **1. Scope:**

The planning function of Ide Parish Council has been delegated to the Planning Committee and is as follows:

- 1.1 To consider and make representations upon local planning applications referred to Ide Parish Council by Teignbridge District Council.
- 1.2 To make representations in respect of appeals against the refusal of planning permission.
- 1.3 To report to Teignbridge District Council any alleged or potential breaches of planning regulations.
- 1.4 To comment on any applications made under the Licensing or Gaming Acts within the village.

It should be noted that Ide Parish Council has no power to either grant or refuse an application for planning permission, as such powers reside with Teignbridge District Council. However, the Parish Council does have the right to have its views taken into account by Teignbridge District Council.

#### **2. Membership:**

- 2.1 The Planning Committee will consist of 4 persons from the Parish Council, with a quorum of three. In instances where only 2 members can be present, then the Parish Council's Chairman or another Parish Councillor will act as an occasional member ex-officio in order to maintain a quorum.
- 2.2 The members of the committee to be elected at the Parish Council Annual Meeting in May each year.

#### **3. Policy:**

- 3.1 Where a planning application is for a development 2 or more dwellings it will be discussed at full council
- 3.2 Seek to ensure that any development is commensurate with the character of the village.
- 3.3 Ensure that any comments or objections it makes to planning applications are based on planning criteria only, taking into account the following as valid grounds for objection to any given planning application:

- a) Non-alignment with Neighbourhood Plan (Ide Neighbourhood Plan (Made version, September 2018)
- b) Non-alignment with Local Plan (Teignbridge DC Local Plan 2013 - 2033)
- c) Non-alignment with National Planning Policy
- d) Adverse effect on the residential amenity of neighbours, by reason of (among other factors) noise\*, disturbance\*, overlooking, loss of privacy, overshadowing, etc. [\*but note that this does not include noise or disturbance arising from the actual execution of the works, which will not be taken into account]
- e) Unacceptably high density / overdevelopment of the site, especially if it involves loss of garden land or the open aspect of the neighbourhood (so-called 'garden grabbing')
- f) Visual impact of the development
- g) Effect of the development on the character of the neighbourhood
- h) Design (including bulk and massing, detailing and materials, if these form part of the application)
- i) The proposed development is over-bearing, out-of-scale or out of character in terms of its appearance compared with existing development in the vicinity
- j) The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners
- k) [If in a Conservation Area, adverse effect of the development on the character and appearance of the Conservation Area]
- l) [If near a Listed Building, adverse effect of the development on the setting of the Listed Building.]
- m) The development would adversely affect highway safety or the convenience of road users [but only if there is technical evidence to back up such a claim].

3.4 The following, on the other hand, are not considered by planning authorities to be material grounds for objection and as such cannot be taken into account:

- a) The precise identity of the applicant;
- b) The racial or ethnic origin of the applicant, their sexual orientation, religious beliefs, political views or affiliations or any other personal attributes;
- c) The reasons or motives of the applicant in applying for planning permission (for example if the development is thought to be purely speculative);
- d) Any profit likely to be made by the applicant;
- e) The behaviour of the applicant;
- f) Nuisance or annoyance previously caused by the applicant [unless this relates to an existing development for which retrospective permission is being sought];
- g) Concerns about possible future development of the site (as distinct from the actual development which is currently being proposed);
- h) Any effect on the value of neighbouring properties
- i)

#### **4. Procedure:**

Upon receipt of a Planning Application Consultation notification from Teignbridge District Council, the committee will:

- 4.1 Ensure that parishioners are made aware of any new applications via the Parish Council Noticeboard, on the <http://idevillage.org.uk/> website, and the Ide Times.
- 4.2 Examine the application documentation, and where necessary arrange site visits
- 4.3 Attend Planning Committee Meeting to discuss application(s)
- 4.4 Respond accordingly to Teignbridge District Council planning department
- 4.5 Report back to the Parish Council
- 4.6 The Planning Committee meetings will:
  - a) Take place at an agreed time and date, this information being published on the Parish website and on the Village Noticeboard, allowing at least three clear days between notice of meeting and meeting itself.
  - b) Be open to the public
  - c) Be duly minuted

Both the Parish Clerk and the Chair of the Planning Committee receive formal consultation notifications from Teignbridge for new planning applications within (and adjacent to) the

parish. The Clerk receives these directly from Teignbridge District Council, the Chair via an email forwarding filter within the Clerk's email account. The chair also inspects the Teignbridge District Council's online planning map on a weekly basis to ensure no new applications are missed; the map indicates all current applications in process.

## **5. Review period**

5.1 The review period for the Planning Committee's Terms of Reference will be at least once every 12 months.

## **Appendix: Protocol on Consultation Meetings with Developers**

### **1. Pre-application meetings and meetings during the application process**

#### **1.1 Pre-determination**

The Localism Act 2011 makes it clear that it is proper for Councillors to play an active part in local discussions. In all meetings with developers Councillors are reminded of the need to abide by the Parish Council's adopted Code of Conduct and the importance of not pre-determining their position on any future planning applications. It is noted that expressing a pre-disposition, eg. 'welcome in principle' or 'have concerns' is permissible. However, should a Councillor demonstrate a pre-determination of their view about a specific planning application and not approach the matter with an open mind, then they should not take part in the formal consideration of that matter at a meeting of the Planning Committee or any other Parish Council or Committee meeting.

#### **1.2 Purpose of pre-application briefing meetings and meetings during application process**

- a) To be positive and proactive in engaging constructively with developers, the Local Planning Authority and other service providers from an early stage
- b) To assist in identifying and engaging with other interested groups / organisations operating within the community in order to assist developers to publicise their proposals and related community involvement opportunities
- c) To seek to understand the full range of community interests the Parish Council is representing with regard to particular development proposals
- d) To identify clearly, and at an early stage, the issues relating to development proposals that are a priority for the Parish Council and the questions that need asking of the developer, the Local Planning Authority and/or other services
- e) To help with identifying gaps or pressures on existing services or facilities and to identify the need for local infrastructure improvement
- f) To acknowledge and respect the rights of all stakeholders to express their views

#### **1.3 Procedure at pre-application briefing meetings**

A pre-application briefing is a meeting of the Parish Council or the Planning Committee at which a developer provides information on their proposed planning application to members of the Parish Council and members of the public.

Developers are invited to provide the Parish Council with a pre-application briefing which is:

- a) Without prejudice to the Parish Council's response to the formal consultation
- b) Included as part of a meeting of the Parish Council or the Planning Committee
- c) Advertised as part of the meeting agenda
- d) Open to members of the public in accordance with the Public Bodies (Admission to Meetings) Act 1960
- e) Included as part of the public record in the minutes of the meeting
- f) Subject to disclosure under the Freedom of Information Act

#### **1.4 Procedure at meetings during the application process**

The Parish Council is a statutory consultee on planning applications within the parish of Ide and the final decision on all planning matters rests with Teignbridge District Council. Where a planning application is for a development single properties or dwellings Ide Parish Council has delegated powers to its Planning Committee to decide whether to support or object to such applications, or to make any other relevant and appropriate comment.

Developers are welcome to attend and speak at meetings at which planning applications are considered during the statutory consultation process, and which:

- a) Are open to members of the press and public in accordance with the Public Bodies (Admission to Meetings) Act 1960
- b) Have advertised the relevant planning application as part of the meeting agenda
- c) Include discussions as part of the public record in the minutes of the meeting
- d) Are subject to disclosure under the Freedom of Information Act

#### **1.5 Organising pre-application briefing meetings and attending meetings during the application processes**

Developers wishing to organise a pre-application briefing or attend a meeting during the planning application process should contact the Parish Council. Contact details can be found on the Ide Village website at <http://idevillage.org.uk/>