

PLANNING APPLICATIONS COMMENTING AND REFERRING TO THE PLANNING COMMITTEE

*A guide for Parish Councils and members of the public
to comment on planning applications and the process of referring an item to
be heard by the Planning Committee*



INTRODUCTION

This simple but straightforward reference guide is to assist parish committee members and residents who are not familiar with the planning process or who have not attended CDC training. Highlighted text is linked as described.

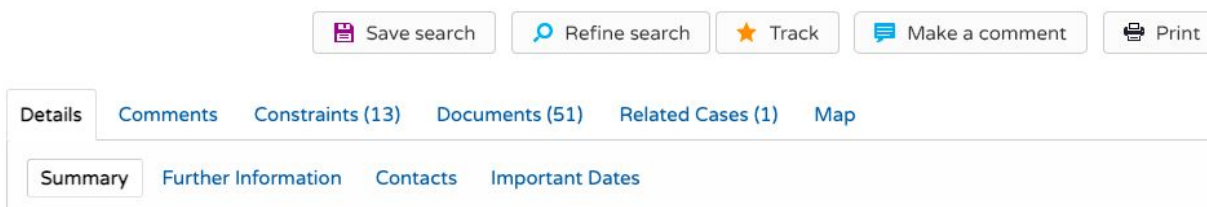
As your District Councillor, I am expected to remain impartial if I am to retain my integrity. This does not mean that I am unable to liaise with you and the planning officer, who can sometimes offer helpful guidance.

PROCEDURE

I strongly encourage any of you who wish to object, support or make other observations to an application to make comments via the preferred Public Access route on the Council's website. Occasionally comments are submitted by text or mail and this can lead to misunderstandings and/or a lack of formal record being made on the system, which in turn can lead to lack of formal communication & notification regarding procedures (e.g. Committee dates, public speaking, etc.).

Cotswold District Council Planning Portal - [Simple Search](#)

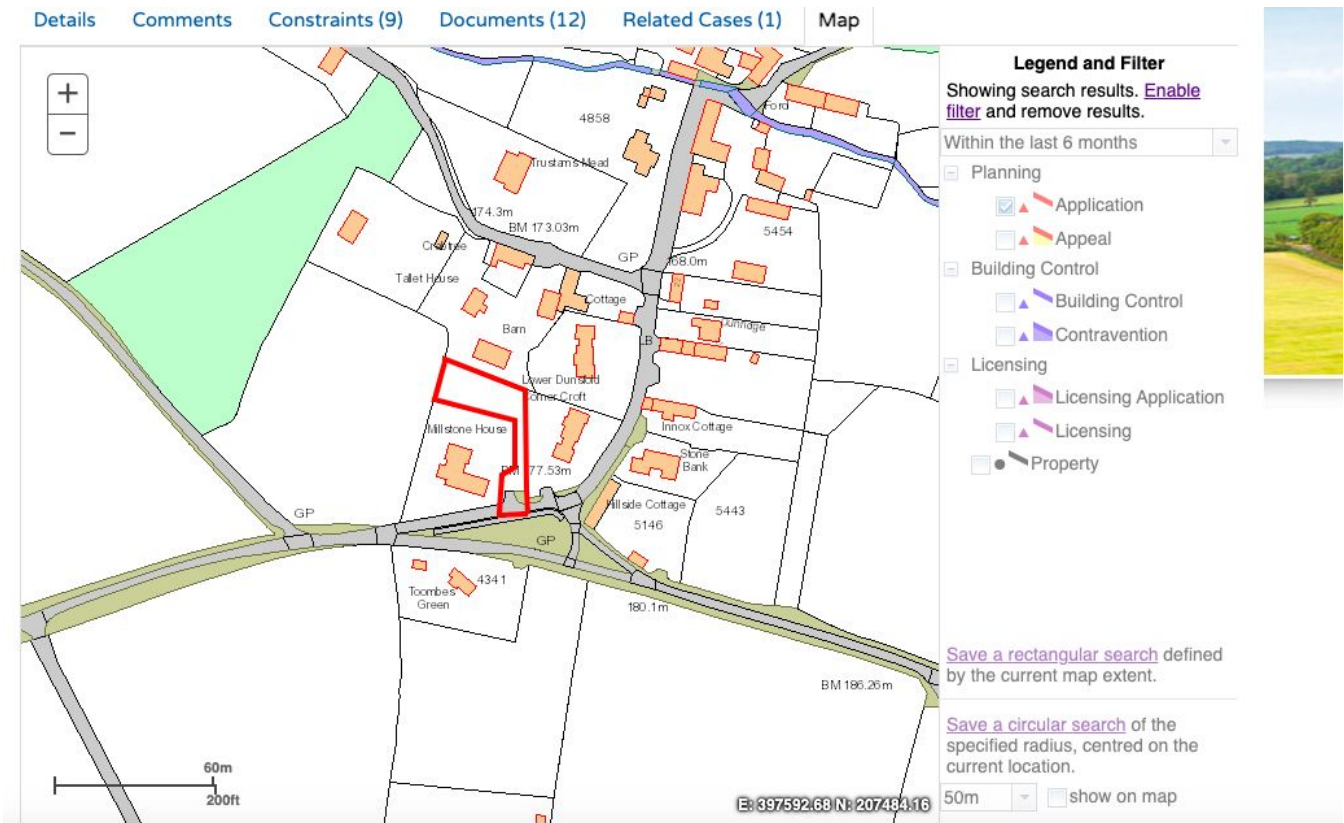
Find the property by either typing the property name, village name or reference number. You will be given the option of a number of tabs. You can 'track' an application which means that you will receive an email of any additions or changes to the application. You will also get an idea of the planning policies the planning officer is taking into consideration.



MAKE A COMMENT tab will open up a form for you to fill in the details and leave your comment. It does not allow the uploading of photographs or other documents. For this you will have to email the Planning Officer under CONTACTS.

When researching a planning application, most of the information you will be looking for will be listed under DOCUMENTS.

The MAP tab is helpful to identify the exact location of the site which is marked in red. There is a convenient zoom option:



You can comment, support or object to a proposal, but bear in mind that planning applications can only be decided on *material planning considerations* within the policies. This is very important. It forms the basis upon which all decisions are made.

Material planning considerations include (but are not limited to):

- * Overlooking/loss of privacy
- * Loss of daylight/sunlight or overshadowing
- * Scale and dominance
- * Layout and density of buildings
- * Appearance and design of development and materials proposed
- * Disabled persons' access (where applicable)
- * Traffic and parking issues
- * Drainage and flood risk
- * Impact on character or appearance of area
- * Effect on listed buildings and conservation areas
- * Effect on trees and wildlife/nature conservation
- * Impact on the community and other services
- * Economic impact and sustainability
- * Government policy
- * Proposals in the Local Development Plan
- * Previous planning decisions (including appeal decisions)
- * Effect on neighbours' daylight, sunlight or privacy
- * Impact of traffic, road access, highway safety, parking
- * Appearance, bulk or height of the scheme
- * Impact on amenity, such as noise, dust, fumes generated by the proposal
- * Potential loss of a valued local service or use, such as a shop
- * Effect on wildlife, listed buildings (including neighbouring properties) trees etc

Non-material planning considerations cannot be taken into account include:

- * Who the applicant is/the applicant's background
- * Loss of views
- * Loss of property value
- * Loss of trade or increased competition
- * Strength or volume of local opposition
- * Construction noise/disturbance during development
- * Fears of damage to property
- * Maintenance of property
- * Boundary disputes, covenants or other property rights
- * Rights of way
- * Personal circumstances are generally not a material planning consideration
- * Private issues between neighbours such as land covenants, land and boundary disputes
- * Competition between rival businesses
- * Party wall disputes and fire escape matters
- * Problems while construction works are being carried out, such as noise, dust and disturbance by construction vehicles
- * Loss of a private view
- * Conjecture on future schemes

CONCLUSION

The quality of objections far exceeds the quantity in importance, however if the number of submissions does give the Planning Officer an indication of local feeling too. Robust objections will refer to the directives of the National Planning Policy Framework (NPPF) and the Local Plan. The NPPF takes precedence over the Local Plan.

REFERENCES

[National Planning Policy Framework](#)

[Cotswold District Local Plan \(2011 to 2031\)](#)

These documents are extensive, especially the Cotswold Local Plan. Think of them as reference guides.

Be sure to look at the appendices, especially the [Cotswold Design Code](#) which offers design guidelines for new build, extensions etc.

Planning is nuanced, each application is given due consideration and scrutiny, ultimately decisions are formed by application of the considerations within the two planning documents and there are sometimes a difference of opinion as to which policy should have more weight than another. If there are comments posted on the portal, especially from the Parish Council, and the officer seeks the opposite decision, your District Councillor will be requested to approve/refuse under the Council's Scheme of Delegation. It is at this point when it might be appropriate to request your District Councillor to seek to refer the application to the Planning Committee.

REFERRING AN APPLICATION TO THE PLANNING COMMITTEE

PLANNING COMMITTEE PROTOCOL & SCHEME OF DELEGATION

The current administration updated the Planning Committee protocol and the Scheme of Delegation in November 2020. Please see the notes about this below.

This is important. It has a very serious effect on whether the application might be put before the Planning Committee or not. Since the start of 2021, several referrals have been denied which is causing much concern.

The most important points to be aware of is that point three below, referrals to the planning committee must be made on *material planning considerations* and could be rejected by ‘the panel’ which is made up of Cllr Juliet Layton (Chair of the Planning Committee) Cllr Ray Brassington (Vice Chair) and Senior Planning Officers. They hold a monthly meeting to decide themselves which applications merit a hearing at the Planning Committee.

Revisions proposed and approved at council include:

- Time management - public speaking limit of three minutes
- All members (councillors) must have basic training
- Referrals must be made on material planning considerations and could be rejected by the Chair/ Vice- Chair*
- Ward members should not represent the views of their town/ parish council during public speaking *

There are grave concerns about this new protocol, especially the * points above. Planning is nuanced, material planning considerations considered by one person may not be deemed so by another. Officers’ recommendations are sometimes overturned at the Planning Committee; under this revised mechanism, they may not get a hearing.

RELEVANT BACKGROUND INFORMATION

‘Planning Training for Parish & Town Councils’ training held on Thursday 26th November 2020

Recording of the meeting:

<https://220ict.webex.com/220ict/ldr.php?RCID=d35e79b3bbb947bbb0dd76012662ec51>

To access the meeting you will need to enter the following password (which is case sensitive) - rRcj62eA

The Planning Committee and Planning Officers follow a protocol which sets guidance for determining planning applications, specifically those which are referred to the Planning Committee. As a quasi-judicial committee its members are required to be non-partisan and represent the whole District. Therefore in our determining applications we have to consider not only the plan before us but that 80% of the District is in the AONB along with

144 Conservation areas

4,991 listed buildings

239 Scheduled ancient monuments

32 registered historic parks and gardens

37 Sites of special scientific interest

260 locally designated key wildlife sites and

All of this in an area of 450 sq miles with a population of around 84k in the towns, villages, hamlets and we mustn't forget the 40 sq miles of Cotswold Water Park which is not designated AONB but along with nature conservation it supports 960 holiday homes. All of these make up our policies in our Local Plan alongside the National Planning Policy Framework and all of these policies have to be considered by members alongside the Planning application before them and the impact it may or may not have in its environment and to its location.

James Brain has explained the Local Plan and the Government housing requirements and the need for at least a five year land supply and so it is no wonder that the Planning Committee sees a range of applications from large strategic developments to small extensions, barn conversions to garden sheds. Whatever the application we have to make decisions based on material planning considerations, guided by Local Plan Policies, the NPPF, Town and Country Planning Acts and the Council's own relevant adopted strategies such as Climate Emergency and Green Economic Growth.

The Committee also has the power to authorise the enforcement of planning control, either remedial action or prosecution to achieve compliance.

The Planning Committee is made up of 11 Members, all of whom are trained and are given ongoing training, before sitting on the committee and some have many years of experience.

Aside from the committee members the Council trains all Members in planning which enables them to sit on the committee as substitutes if necessary. Members are also invited to attend the short ongoing training sessions. The training also gives the Ward Members guidance in helping their Town or Parish Councils with applications in their area and advises them whether an application could be determined by the Planning Committee.

Your Ward Member is the link between you and the Case Officer. A dialogue between you all can help resolve issues with an application. The Case Officer can voice your concerns to the applicant who may address the issues; all this should be done well before the Case officer has written their report.

The decision to bring an application for determination by the committee can only be made after the Ward Member has received the Officer's report and recommendation. The referral must be emailed to the Case Officer and give the material planning reasons and policies which support the referral. As you have heard earlier volume of objectors/supporters are not material reasons.

The Committee is supported by the Council's Solicitor, a Lead Planning Officer, the application's Case Officer and consultees as required, e.g. Conservation, heritage, Environmental Health. Occasionally we ask statutory consultees such as Highways come to explain their decision on an application and be available for questions by the committee.

Public speakers can address the committee following the application briefing by the Case Officer. These are the Town or Parish Council, Objector, Supporter, Agent or Applicant. The Ward Member who referred the application can also speak both before and after the Committee has questioned and debated the application but before they have voted.

If the Committee decides to overturn the Officer's recommendation from Approval to Refusal then we have to be specific about the planning reasons. What is the precise nature of the unacceptable impact supported by evidence and/or technical justification.

What and to whom

Evidence base for the harm

Lack of evidence that the proposal is acceptable

What is the policy basis

If we overturn from Refusal to Approval or providing Additional conditions we have to give the material planning considerations

Is there any harm

Is the harm outweighed by the benefit

How compliance with policy is demonstrated

Do all the conditions meet the tests of NPPF and Planning Practice Guidance

The Committee can also defer an application if they feel they require further information following questioning and comments, add Conditions to an application.

The majority of planning applications are dealt with by the Councils scheme of delegation. 97 % of applications do not come to the Committee.

Below is a short overview of a paper which I presented at a Council meeting, on revision of the Scheme of Delegation. It may help you understand the often difficult position Ward Members find themselves in when considering controversial applications in their Wards.

A ward member may also serve on their Parish Council and they may sit on the Council's Planning Committee; it is imperative that they come to the Committee with an open mind and not be considered to have predetermined an application by being significantly involved as an objector or supporter of an application.

Suggested words for such members to their Town or Parish councils are:- *While I will consider this matter as a Member of this Town/Parish Council, I am also on the Planning and Licencing Committee of CDC and may be called upon to vote on any application that this council responds to. In the light of additional information received , I may not vote at the CDC's Planning and Licencing Committee as I will at this meeting.*

With regard to public speaking the Ward Member who refers an application to the Planning Committee cannot also speak on behalf of the Town or Parish Council, if the T or P are unable to attend the meeting their written submission can be read out by a member of democratic services.

The biggest change to the Scheme of delegation is the referral process. Ward Members are encouraged to actively engage with the Case Officer early on in the planning process to try and resolve any issues arising. If, following reading the Case Officer's report and recommendation, the Ward Member wishes to refer the application for determination by the Planning Committee they then must send in an email with relevant policies and material planning reasons as to why they do not agree with the Case Officer's recommendation. The referrals will be seen by a panel made up of the Chair and Vice

Chair of the Planning and Licencing Committee and Lead Planning Officer who will determine which applications will proceed to Committee. Also in attendance at that meeting will be the Council's solicitor and the relevant Case Officers. Following this meeting the Committee Agenda will be created, distributed and all relevant parties notified.

Other Applications which are determined by the Planning Committee are Member's own applications. Applications submitted by the Council and applications submitted by Officers.

For applications that are not referred to the Committee but have one or more objections, the Case Officer sends their report and recommendation to the Ward Member and asks for delegated authority to proceed.

If the Committee decides to overturn an Officer's recommendation it is not necessarily the end of the process. The applicant has the right to appeal and this is a long and costly process.