

EAST LEAKE PARISH COUNCIL

PLANNING POLICY AND CODE OF PRACTICE

1. Principles

- 1.1 The Parish Council will represent the majority of local opinion and comments will reflect local knowledge and interest in the local environment.
- 1.2 The Parish Council fully supports the East Leake Neighbourhood Plan, will reference relevant policies in it when responding to planning applications, and review it as required.
- 1.3 The Parish Council will seek to ensure that any development, both new and for alterations to existing properties, will be sympathetic to the surrounding area, and furthers the vision for East Leake as articulated in the Neighbourhood Plan.

2. The Pre-Application Stage

The Parish Council is sometimes approached prior to the submission of a planning application but cannot enter into any debate on suggested developments prior to a formal planning application being forwarded by Rushcliffe Borough Council requesting comment. However, at the pre-application stage:

- 2.1 The Clerk will inform the Parish Council of information received from developers regarding proposed planning in, or affecting, East Leake.
- 2.2 Where an invitation is extended to the Parish Council by a developer to attend a public consultation meeting about a proposed development, Councillors may attend to acquaint themselves with the proposals. Councillors should avoid expressing views at such public meetings, as this may prejudice their position once a planning application has been submitted. Councillors may report their findings back to the Parish Council Planning Committee but no debate will be entered into at this stage. The Parish Council will assist where possible in notifying the community of any such consultations.
- 2.3 The Parish Council will normally accept any requests from developers to address a Planning Committee or Parish Council meeting at the pre-application stage. In some cases the Parish Council may choose to contact the developers to proactively request such a meeting. This could be prior to an outline planning permission submission, a full application or one covering significant reserved matters. The purpose of the meeting will be for developers to present their initial thoughts, and for the Parish Council to explain the Neighbourhood Plan and answer questions on the local context. Again, Councillors should avoid expressing views.
- 2.4 Parish Councillors who are also Borough Councillors may choose to absent themselves from such presentations, in case it prejudices their position.

3. Responding to Consultations on Planning Applications

- 3.1 The Planning Committee is authorised to comment on planning applications on behalf of the Full Council and should seek to do so in such time as permitted by the Planning Authority, contacting them to ask for an extension if necessary. On receipt of plans from the Planning Authority, the item will be placed on the agenda of the next suitable Planning Committee and on the website.
- 3.2 In order that the Planning Committee makes as informed a decision as possible, Councillors should study the plans beforehand by accessing the Planning Authority website or using on-line access at the Parish Office and make themselves cognisant of the details of the development as they affect the applicant and any actual or prospective objectors. They should read any letters of objection or support published on the Planning Authority website and/or received at the Parish Office. A visit to the area is advisable, taking due care not to trespass on private property.
- 3.3 If a member of the Planning Committee is not able to attend a meeting, s/he may authorise a fellow Councillor to be a substitute and should inform the Clerk of the name of the substitute. Alternatively, the Clerk has the authority to find a substitute.
- 3.4 In considering all applications, the Planning Committee meeting can be closed in order to let members of the public speak. The procedures relevant to the meeting are explained to the members of the public present, and the members of the Committee introduced to the public when necessary.
- 3.5 Parish Councillors who are not members of the Planning Committee may attend the Planning Meeting as observers and will be allowed to speak as members of the public, but not take part in debate or voting.
- 3.6 At the start of the meeting Councillors should declare their interest in any of the applications under consideration. Depending on the nature of their interest, and with the agreement of the Committee, they may address the meeting as members of the public, choose not to speak, or absent themselves from the room for the discussion.
- 3.7 The Chair will provide to the meeting any additional factual information relevant to the application. When there are a number of letters of support or objection, or a letter is particularly long, the Chair will summarise.
- 3.8 In responding to application consultations, the Committee will return "object" or "do not object", or remain neutral, with or without observations. Where the response is "object" reasons relating to material considerations should be given, with reference to relevant planning policies and guidelines, particularly the East Leake Neighbourhood Plan, the Rushcliffe Local Plan, and the National Planning Policy Framework.
- 3.9 In reaching its decisions the Planning Committee must only take into account material considerations i.e. issues that are in law, material or relevant to a planning application. Ultimately the courts decide on what constitutes a material

consideration; however, case law gives local planning authorities significant leeway to decide what considerations are relevant and how much weight should be given to them.

Material considerations include:-

- Government Policy e.g. the National Planning Policy Framework.
- The appropriate authorities Planning Policies contained in retained policies or the Local Plan.
- The designated status of a site or its surroundings e.g. Area of Outstanding Natural Beauty
- A site's planning history (including existing planning permissions, previous applications, refusals and appeals)
- The effect on a conservation area or listed building

They can also include:-

- Accessibility, traffic, roads, adequate parking and servicing
- Access and highways safety
- Overshadowing
- Overlooking and loss of privacy
- Overbearing nature of proposal
- Loss of trees and ecological habitats
- Design and appearance
- Layout and density of buildings
- Effect on listed building(s) and conservation areas
- Noise and disturbance from the scheme
- Disturbance from smells
- Public visual amenity that is not loss of private individual's view
- Flood risk

Members should be aware of examples that the local planning authority cannot normally consider as a material consideration. These include:

- Loss of value to private individual's property
- Loss of view
- Boundary disputes including encroachment of foundations or gutters
- Private covenants or agreements
- The personal conduct, history or motives of any applicants
- Potential profit for the applicant from the application
- Private rights to lights or rights of way
- Damage to property
- Disruption during any construction phase
- Loss of trade and competitors
- Age, health, status, background and work patterns of objector
- Time taken to complete the work
- Capacity of private drains
- Building and structural techniques
- Alcohol or gaming licences

4. Additional Public Consultation for Major Developments

- 4.1 The Clerk will identify on their receipt at the Parish Office any planning consultations which may require an additional step to determine public opinion. These could include:
- large housing developments at the outline or reserved matters stages
 - whole village issues
 - setting an important precedent
 - affecting an area larger than just immediate neighbours
 - strategic proposals such as a strategic development plan submitted by a superior authority.
- 4.2 The Clerk will place and agenda item on the next available Planning Committee or Full Council meeting to agree the appropriate method of forming the Council's response at a future meeting of the Planning Committee or Full Council.
- 4.3 Where additional consultation is agreed, notification of the application, the date the Planning Committee or Parish Council will consider it, and an invitation to attend the meeting will be distributed to all relevant residents, together with a reminder to copy to the Parish Council any comments submitted to the Planning Authority. If necessary, a venue will be booked, and an extension of time to consider the application requested from the Planning Authority.
- 4.4 All Parish Councillors are advised of the potentially more complex nature of these applications in order that they have the maximum opportunity to study the plans.

5. Planning Appeals, Hearings etc.

- 5.1 The Planning Committee has full delegated powers to act on behalf of the Council, but may choose Full Council consultation if time constraints permit.
- 5.2 When notice of an appeal is received, the Planning Committee will review the objections (if any) previously made, plus the objections of the Planning Authority. It will create and submit a definitive list of its objections with reference to relevant planning policies and guidelines, particularly the East Leake Neighbourhood Plan, the Rushcliffe Local Plan, and the National Planning Policy Framework. This will be submitted to the Inspectorate even if it is identical to that already sent in response to the original planning application.
- 5.3 The Planning Committee will accept any invitation to represent its views at a public enquiry or hearing. The Planning Committee will co-ordinate who will attend, and who will speak. Those attending should sign in as "representing East Leake Parish Council". If there is specific expertise (particularly backed up by qualifications) available among the Parish Council representatives, we should use this to support the specific point (or points). Prior training in the appeal procedure would be advantageous.

- 5.4 Those who speak can do as little as summarise the Parish Council's written response but need to be aware that they may be subject to cross-questioning. Provided the Planning Committee has endorsed the response, it should be possible to respond to any question by an answer of "The minutes of the Planning Committee endorse the submission" or "The Planning Committee have not taken a view and I would prefer to not respond as I am not an expert."
- 5.5 If the Planning Committee decides that the issues are sufficiently important or complex to justify professional representation, the Planning Committee should make an official recommendation to this effect to the Full Council, who can then make a decision if the cost involved can be justified.

Signed.....
Chairman of the Parish Council

Dated..... 25/3/25.....

