

Planning Committee

Members Training

June 2016

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- Rita Bovey, Development Manager**



Background

- Who we are
- What we do
- The need for training
- Application Process
- Committee Process
- Probity
- Appeal Decisions



The Application Process

- The Process in a Nutshell
 - Validation
 - Consultation – Statutory and Non-Statutory, site and press notice
 - Consideration – Development Plan Policy, other material considerations
 - Planning Committee and Delegated Decisions
 - Prior Referral to Secretary of State
 - Determination Period
 - Decisions



Planning Policy

- The National Planning Policy Framework (NPPF)
- The National Planning Policy Guidance (NPPG)
- Planning Legislations
- The Development Plan
 - West Northamptonshire Joint Core Strategy 2014
 - Northampton Central Area Action Plan 2012
 - Northampton Local Plan 1997
 - Neighbourhood Plans
 - Supplementary Planning Guidance
 - Local Plan Part 2



Material Considerations

- Visual impact;
- Overlooking;
- Overbearing;
- Daylight/sunlight;
- Noise, smell etc.;
- Access/traffic/safety;
- Ecology;
- Crime;
- Economic impact;
- Planning history;
- Related decisions;
- Cumulative impact;
- Very occasionally personal factors.

It should be noted this is not an exhaustive list



NOT Material Considerations

- The applicant;
- Land ownership;
- Private rights (e.g. access);
- Restrictive covenants (these are civil matter);
- Property value;
- Competition;
- Loss of view;
- The existence of a better site or a better use or form of development (except in retail terms where there is a site closer to the town centre available);
- Change from previous scheme;
- Retrospective nature of an application.

It should be noted this is not an exhaustive list



Decisions

- Committee and Delegated Decisions
- Planning Conditions
- 6 Tests
 - necessary
 - relevant to the development to be permitted
 - enforceable
 - precise
 - relevant to planning
 - reasonable in all other respects
- S106 agreement – not a wish list
- Community Infrastructure Levy (CIL)

Post Decision

- Approved Applications
 - Subsequent applications
 - S106 agreement
 - Discharge of conditions
- Refused Applications
- Appeals
 - Types of appeal
 - Costs



Planning Committee

- Usually meets monthly
- Agenda is determined by the Constitution and call ins
- Is expected to operate as efficiently and effectively as possible, determining applications in a timely manner, in accordance with adopted policies
- Interested parties have a reasonable expectation that all items on the agenda will be determined, so committee time should be spent on significant matters requiring determination, focusing on the material planning considerations
- Applications must be determined within national targets



Members' Role

- Not acting as ward members
- Impartially determining applications on behalf of the Council as whole, in the wider interests of the whole Borough
- Are expected to balance material considerations, in accordance with adopted policies



Call-ins

- Should only be used where there are significant issues which it is in the public interest to debate at Committee
- Must be supported by valid planning reasons
- Timing of call-ins
- Process will be reviewed



Site Visits

- Should only be undertaken where there is a 'substantial benefit', for example where the impact is difficult to visualise, where comments cannot be expressed adequately in writing, or the proposal is particularly contentious
- Must be undertaken in a consistent manner
- Are not an opportunity for lobbying
- Members should be satisfied they are familiar with the site



Officer Reports

- Will address all the issues raised, the comments received and the material considerations
- Will always make a recommendation
- Published 5 working days before the meeting
- Once Members have read the report, if they have any questions they should contact the case officer, not wait until the committee meeting to ask them, as this causes delays at the meeting



Determination

- Officer presentation
- Objectors, supporters presentation. Members may ask questions.
- Officers respond if necessary
- Member debate
- Motion proposed/seconded
- Vote



Decisions Contrary to Recommendation

- Members can, having considered all material considerations, come to different conclusions
- Must be justified on planning grounds and capable of being defended at appeal
- Must demonstrate the **HARM** which would result, which is capable of being supported by evidence
- Must be policy based
- Otherwise costs may be awarded if a refusal is appealed



Propriety

- Demonstrate fairness, openness and impartiality at all stages
- Consider all proposals on their individual merits
- Balancing public and private interests
- Remember that Planning Committee is a public forum
- Retain an open mind



Predetermination & predisposition

- Predisposition (an opinion) is fine, as long as willing to listen to all material considerations before voting;
“I do not support wind turbines in principle, but will listen to all the arguments presented before making up my mind on this proposal”
- Predetermination (a closed mind) is not;
“I am against all wind turbines”



Lobbying

- Engage, but don't predetermine
- Avoid giving a view, but if do, explain it may change
- Ask an officer to attend if approached
- Work with supporters as well as objectors
- Record your involvement
- Declare interests at the Committee meeting



Finally...

- Will be introducing a Committee Protocol, which will cover all of these issues
- If in doubt, ask for advice



Recent Appeal Decisions

- Northampton South of Brackmills (Sustainable Urban Extension) –
Hardingstone SUE
- 119 Whitworth Road

