

# LOOE TOWN COUNCIL PLANNING CONSULTATION POLICY

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# LOOE TOWN COUNCIL

## PLANNING CONSULTATION POLICY

### Introduction

Looe Town Council is a consultee for planning matters and seeks to ensure local planning policies are enacted as well as providing a community voice to the Local Planning Authority. Any comments made by the Town Council must relate to Material Planning Considerations (APPENDIX A). Cornwall Council is our Local Planning Authority and, as such, is responsible for controlling development and making all formal planning decisions.

All planning applications are discussed by Councillors in meetings of the Planning Committee (or Full Council in some instances) where recommendations and comments for Cornwall Council are agreed. These meetings are open to the public who can address the Council about planning matters generally or regarding certain applications. Members of the public are also encouraged to register any comments they wish to make with Cornwall Council via the online planning portal or by contacting their Planning team directly.

### Pre-Applications

Looe Town Council recognises that pre-application discussions play an important role in major planning applications and welcomes the desire of developers to consult both the Council and the public more widely. However, the Council is also aware of the importance of public perception in planning and the critical need to avoid any appearance that the Council is conducting secretive negotiations or colluding with developers.

#### **In all pre-application communications, Councillors must:**

- a) Carefully consider the public perception of their comments;
- b) Avoid any collusion, or the appearance of collusion in applications;
- c) Not accept hospitality or gifts in connection with any application; and
- d) Not purport to be representing the Council, unless expressly authorised to do so by the Council.

#### *Pre application briefings*

The Council is, in general, willing to hold meetings with developers prior to public consultation on the following two conditions:

- a) Full public consultation is either already scheduled or firmly planned; and
- b) The meeting is open to the public to attend and has been reasonably advertised

The policy of the Council is **not** to hold private meetings with developers unless there is a necessary and compelling reason that could be justified to the public (e.g. a strong

commercial sensitivity, where a developer wishes to receive an initial steer before deciding whether to progress).

### *Pre-application public consultations*

The Council encourages developers to carry out full public consultation before submitting plans for major developments, on the following basis:

- a) An accessible and convenient venue;
- b) Sufficient publicity to likely interested parties, in good time;
- c) Appropriate timings to allow as wide a range of people as possible to attend; and
- d) A genuinely open mind and willingness to adapt plans in response to feedback

### *Pre-Determination*

In all meetings with developers, Councillors are reminded of the critical importance of not predetermining their position on any future application, as this could require them to take no part in the discussion. It is noted however that expressing a pre-disposition, for example of either 'welcome in principle' or 'concerns', is permissible.

Councillors should avoid expressing any detailed opinion or prior view which might be viewed as pre-determination. To this end, a formal meeting arranged by Looe Town Council could include the following suggested wording on the meeting agenda or invitation.

*While I/Members may express an opinion for or against the proposal at this meeting, my/our mind(s) is/are not closed and I/we will only come to a conclusion on whether I/we should support the scheme or offer an objection after I/we have listened to the full debate.*

A similar statement could also be read out and clearly stated at the start of an informal meeting, to make it clear that the members of Looe Town Council attending are not pre-determining their position on a proposal. Councillors could also include the words 'in principle' or 'subject to..' when expressing their views to further emphasise that any opinions given at this stage are not pre-judging a proposal in advance of a formal planning application.

Councillors are advised not to attend separate private briefings as part of consultation, but instead to attend with the public.

### *Commercially Sensitive Material*

Developers should complete and submit a Commercially Sensitive Material Checklist (APPENDIX B) with any pre-application to indicate any areas of their proposal which they consider to be commercially sensitive.

Looe Town Council will act reasonably and use its discretion when making a decision to release or withhold information relating to pre-applications if it is requested. The Council will consider the views of the applicant, however it will make the final decision about whether or not to disclose information.

## Planning Consultancy

Looe Town Council will consider appointing a planning consultant to represent the interests of the town in certain circumstances. These include:

- Appeal by an applicant against refusal by Cornwall Council where Looe Town Council considers that Local Planning Policy and the Looe Neighbourhood Development Plan has been taken fully into account by Cornwall Council in reaching their decision for refusal.
- An appeal where the land parcel or building is documented within supplementary documents such as '**Looe Local Landscape Character Assessment**'. This will be to uphold the policies of the Looe Neighbourhood Development Plan to protect the townscape or seascape.
- Objection to a major development or that on a prominent/important site in the town where there is a need to gather evidence from a number of sources to effectively support the Town Council's reasoning.

Looe Town Council will retain the right to consider each case individually and balance the costs and benefits of intervening in appeals. Looe Town Council will not appoint representation on every appeal within the parish.

When a decision is made on a planning application, only certain issues are taken into account; these are often referred to as 'material planning considerations' and include (but may not be limited to):

- Local, strategic, national planning policies and policies in the Development Plan
- Emerging new plans which have already been through at least one stage of public consultation
- Pre-application planning consultation carried out by, or on behalf of, the applicant
- Government and Planning Inspectorate requirements – circulars, orders, statutory instruments, guidance and advice
- Previous appeal decisions and planning inquiry reports
- Principles of Case Law held through the Courts
- Loss of sunlights (based on Building Research Establishment guidance)
- Overshadowing/loss of outlook to the detriment of residential amenity (though not loss of view as such)
- Overlooking and loss of privacy
- Highway issues: traffic generation, vehicular access, highway safety
- Noise or disturbance resulting from use, including proposed hours of operation
- Smells and fumes
- Capacity of physical infrastructure, e.g. in the public drainage or water systems
- Deficiencies in social facilities, e.g. spaces in schools
- Storage and handling of hazardous materials and development of contaminated land
- Loss or effect on trees
- Adverse impact on nature conservation interests and biodiversity opportunities
- Effect on listed buildings and conservation areas
- Incompatible or unacceptable uses
- Local financial considerations offered as a contribution or grant
- Layout and density of building design, visual appearance and finishing materials
- Inadequate or inappropriate landscaping or means of enclosure

The weight attached to material considerations in reaching a decision is a matter of judgement for the decision-taker however the decision-taker is required to demonstrate that in reaching that decision they have considered all relevant matters.

Generally greater weight is attached to issues raised which are supported by evidence rather than solely by assertion.

If an identified problem can be dealt with by means of a suitable condition then the Local Planning Authority is required to consider this rather than by issuing a refusal.

**Non-Material Planning Considerations:**

Issues that are not relevant include (but are not limited to):

- Matters controlled under building regulations or other non-planning legislation, e.g. structural stability, drainage details, fire precautions, matters covered by licences, etc.
- Private issues between neighbours, e.g. land/boundary disputes, damage to property, private rights of access, covenants, ancient and other rights to light, etc.
- Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts)
- Opposition to the principle of development when this has been settled by an outline planning permission or appeal
- Applicant's personal circumstances (unless exceptionally and clearly relevant, e.g. provision of facilities for someone with a physical disability)
- Previously made objections/representations regarding another site or application
- Factual misrepresentation of the proposal
- Opposition to business competition
- Loss of property value
- Loss of view

**This form should be submitted with all pre-applications to indicate areas of your submission that you consider to be commercially sensitive.**

**Commercially sensitive documents not for disclosure to third parties under the Freedom of Information Act 2000 (FOI) or Environmental Information Regulations 2004 (EIR)**

Name of Organisation

**Looe Town Council may be obliged to disclose information in or relating to this pre-application enquiry following a request for information under the FOI or EIR therefore please outline in the table below items which you consider are confidential and genuinely commercially sensitive and which are not for disclosure in respect of your application.**

Information / Document	Reference / Page No.	Reasons for non-disclosure (cite exemption(s) to be considered)	Duration of confidentiality

The applicant acknowledges that the commercially sensitive information listed in this schedule is of indicative value only and the Town Council may be obliged to disclose it pursuant to a request under the FOI or EIR.

The Town Council shall act reasonably and use its discretion when making a decision to release or withhold information pertaining to the above if it is requested. By indicating what information you believe to be commercially sensitive the Council will consider your views however the authority will make the final decision to disclose information or not.

Note: To be kept with the pre-application correspondence for consideration should a request for information under the Freedom of Information Act 2000 or Environmental Information Regulations 2004 be received. This document can be destroyed in line with the retention and destruction schedule of pre-application enquiries.

Adopted Looe Town Council XXXXXXXXXXXXXXXX