



# Peacehaven Town Council

## **Planning & Highways Committee – Code of good practice.**

### **Introduction**

This Planning & Highways Code of Good Practice has been produced to provide practical advice relevant to the consideration of local planning applications. Members are advised to use this guidance in conjunction with:

- Peacehaven Town Council's Standing Orders
- Peacehaven Town Council Members' Code of Conduct
- Peacehaven Town Councils Planning Committee Terms of Reference

The Town Council is a statutory consultee on planning matters and Lewes District Council invites the Town Council to comment on relevant planning applications. Comments submitted by Town and Parish Councils are displayed with the appropriate application on the Lewes District Council (LDC) website and provide planning officers with a local view. Members of the public are able to make representations to the Town Council but should be encouraged to also participate in the Planning Authority's public engagement methods and make direct representations.

Members are always bound by the commitment to uphold the Peacehaven Town Council Members Code of Conduct whenever contributing to the decision-making of the Council or of the Planning Committee.

Members of Peacehaven Town Council (PTC) shall act in the public interest of the whole town when considering any items of business, including local planning applications. Members should always act impartially in reaching decisions and avoid taking account of personal feelings or those of a planning applicant. Members should not favour improperly any person, company, group, or locality. Councillors must not pre-determine decisions. Decisions can only be made in the Planning Committee.

### **Expectation of Councillors on the Planning & Highways Committee**

Members of the Planning & Highways Committee are expected to be able to discuss planning applications in their ward and share their thoughts and insights with the Committee, members should therefore be familiar with the details of the application on the LDC Planning Portal and the proposed site of development.

Members are encouraged to gain knowledge of the proposed site for development by making a visual inspection from the public highway, footpath or other vantage point accessible to the public or by arranging a site visit with the owner or agent with at least one other member of the Committee and advice from the Town Clerk. Remember that entry onto private property without permission could be viewed as trespassing.

Should an individual applicant invite a member of the Planning Committee onto their property, consideration must be given to personal safety, public perception, openness, and transparency, again advice should be sought from the Town Clerk and at least one other Committee member should ideally attend.

Should applicants, developers or groups of objectors wish to seek to lobby or request a private meeting about planning applications, they should be advised to make contact with the Town Council Office to arrange for their representations to be made during the “public questions” sessions provided at the start of all meetings held by the Town Council. Such written comments can be submitted to the office 3 clear days prior to a Planning Committee meeting, to be circulated to all Planning Committee members.

All pecuniary or non-pecuniary declarations in any application should be disclosed at the appropriate time at Planning Meetings, this includes any member of the Planning Committee who is also a member of LDC Planning Committee. Guidelines on disclosable pecuniary or non-pecuniary interests can be found in the Peacehaven Town Council Members Code of Conduct, but additional advice in relation to any matter under consideration at a Council or Planning Committee meeting can be gained from the Monitoring Officer at LDC or the Town Clerk.

Members are expected to be able to explain the Town Council Planning Committees consultative role in contributing to the LDC’s decision making process on planning applications; this will promote a greater understanding of the planning process.

Members will also be given the opportunity to attend planning training sessions to further their knowledge of the planning process.

When considering planning applications, the Planning Committee will consider statements on duties related to climate change, biodiversity, crime and disorder, the Neighbourhood Development Plan and other statements adopted by the Town Council.

Councillors may be asked to speak at meetings of LDC’s Planning Committee. Comments should be agreed by the Chairman and Vice Chairman of the Planning Committee prior to public speaking.

## **Public Engagement**

Members of the public have the opportunity to engage with the planning process in Peacehaven by:-

1. Viewing plans at the local Library or on-line
2. Attending Planning Committee meetings, all of which are held in public. Advance notice of Town Council Planning and Highways Committee meetings is available on the public notice boards around the town, on the Town Council website page, or in hard copy from the Information office at Community House, Meridian Centre
3. Addressing the Planning Committee during the allocated public speaking time which is at the beginning of every meeting
4. Contacting the Town Council Office or individual Councillors

In addition, local residents must also make direct contact with the relevant Planning Authority and submit comments in writing, copied to the Town Council.

## **Policy for discussions with developers**

The Council has taken advice given by ESCC, LDC and SSALC regarding meetings with developers and agreed that, as far as possible, discussions with developers should include members of the public. There will be occasions where this will not be possible due to commercially confidential reasons.

Council will appoint and authorise Councillors to liaise with developers

The onus should be on the developers to arrange the venue and time of a meeting and that it need not always coincide with a Town Council Meeting.

## **The Planning & Highways Committee**

All members of Peacehaven Town Council are able to be part of the Planning Committee should they wish. The terms of reference for the Planning Committee is part of the Town Council's Standing Orders.

The Planning Committee have been given delegated responsibility for supporting or objecting to planning applications on behalf of the Council. These recommendations are submitted to the Planning Officers at LDC within the set deadlines.

'Calling in' an application is outside the remit of PTC, and can only be done by a District Councillor of the ward the application is in. This has to be done within 2 weeks of the application appearing on the weekly list of planning applications. The request has to be in writing and the Councillor has to provide a valid planning reason. The request is then considered by Officers, in consultation with the Chair of Planning if necessary.

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. Defining a material consideration can be a grey area, however there are some generally accepted principles as follows:

Material considerations include:-

- Government Policy e.g. the National Planning Policy Framework
- Lewes District Council's 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, SSSI, National Park, etc
- A site's planning history (including existing planning permissions, previous applications, refusals and appeals)
- The effect on a conservation area or listed building
- Peacehaven and Telscombe Neighbourhood Development Plan

They can also include: -

- Backland (Back garden) development - building another property within the confines of the existing one or large extension to property. This could be a material consideration if it results in overlooking, loss of privacy, or parking issues.
- Out of keeping with street scene - impairment of street scene, changing the character and appearance, detrimental to it, will spoil the ambience of Road/Avenue
- Blind or blocking corners - either with fence, bushes or trees causing hazard to drivers and pedestrians, health and safety
- Design – does not fit in with local surroundings or the Peacehaven and Telscombe Neighbourhood Development Plan Design Guide.
- Inadequate local infrastructure - including A259, surgeries, school
- Detrimental effect on local character - surrounding area included – ecological/trees/habitats
- Density of layout & over development - too large for plot/overbearing
- Absence of car parking facilities - provision for pedestrians, wheelchairs and prams
- Increase of traffic & congestion - is there an alternative
- Noise, disturbance and smell generated from development once complete
- Exacerbate existing parking problems
- Accessibility, traffic, roads, adequate parking and servicing
- Access, parking & highways safety - turning space if applicable
- Listed building, Conservation Areas and trees with Protection Orders
- Flood risk at site and whether local drainage needs to be improved - not really for us, but sometimes there is problem if the drain goes under the neighbour's garden or path
- Could prejudice further development
- Visual effect on neighbouring properties
- Loss of employment premises affecting economic impact and viability.

Please note however, that the following issues are not material considerations and cannot be considered:

- loss of view

- devaluation of property
- business competition
- damage to property
- consent required under other legislation (such as building regulations)
- boundary disputes, rights of access, covenants and other private rights
- disturbance during development
- maintenance of property

When making recommendations for approving a planning application, it is also helpful for the reasons to be stated to the Planning Authority along with suggested appropriate Conditions, for example: -

- Site hours limited to Monday-Friday 08:00 to 18:00 and Saturday 08:00 to 13:00, no working on Sundays or Bank Holidays, no plant and equipment to be started up outside of these hours, no loud music to be played.
- Sympathetic materials to be used.
- Require a Waste Minimisation Plan
- Vehicles belonging to construction staff should not block access for other residents and should not be parked on grass verges or at junctions.
- Any damage to the grass verges during construction must be repaired by the developer.
- All construction equipment and supplies to be delivered between the hours of 09:30 and 14:30 to avoid 'rush hour' on the A259 and ease congestion
- If parking at the front of property required, recommend that the grass verge located between the two crossovers is removed and replaced by tarmac as adopted at other recent similar developments.
- An asbestos survey should be carried out prior to demolition.
- With large sites a vehicle wheel wash system to be used to stop contamination of the public highway

When objecting to a planning application, it is also helpful supply the Planning Authority with suggested appropriate Conditions '*should the Planning Authority be minded to approve the application*'.

### **Sustainability**

A Sustainability Statement is a report demonstrating how an application will meet core policies set by the local authority regarding sustainability. Lewes District Council local plan includes policies on sustainability including:

Core Policy 8 - (Green Infrastructure)

Core Policy 9 - (Air Quality)

Core Policy 10 - (Natural Environment and Landscape)

Core Policy 12 - (Flood Risk, Coastal Erosion & Drainage)

Core Policy 13 - (Sustainable Travel)

Core Policy 14 - (Renewable and Low Carbon Energy)

Policy DM19 – (Protection of Agricultural Land)

Policy DM20 – (Pollution Management)

Policy DM21 – (Land Contamination)

Policy DM22 - Water Resources and Water Quality)

Policy DM23 – (Noise)

Policy DM24 – (Protection of Biodiversity and Geodiversity)

Policy DM26 - (Refuse and Recycling)

## **Applications outside of the area and ESCC Applications**

East Sussex County Council (ESCC) is the Planning Authority for some issues such as schools, libraries, minerals extraction or waste disposal. The Committee may also wish to comment occasionally on planning applications submitted to neighbouring Planning Authorities e.g. Telscombe, Newhaven, Seaford and Piddinghoe Councils, as well as South Downs National Park land, if it is considered there will be material impact on Peacehaven.

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