

PADSTOW TOWN COUNCIL PLANNING PROCEDURE



Planning Role:

Like all Town and Parish Councils, Padstow Town Council is **NOT** a planning authority.

Padstow Town Council is a statutory consultee in the planning process and has a right to be informed of planning applications within its parish by the Planning Authority, Cornwall Council.

Padstow Town Council has delegated authority to its Planning Committee to consider planning applications. It can only comment on a planning application in the same way an individual can.

The length of time to determine an application is governed by Cornwall Council. Padstow Town Council can request an extension to this time however, the decision for this rests solely with the Planning Authority, Cornwall Council.

Planning Committee Meetings:

1. Meetings of the Planning Committee follow Padstow Town Council's Standing Orders and its own Terms of Reference. Padstow Town Council has also adopted the Code of Conduct for Members to support its duty to promote and maintain high standards of conduct by Members of the Council.
2. Future meeting dates of the Planning Committee (held on 2nd Tuesday of each month at 7.00 pm) are advertised in advance on Council noticeboards and its website.

Planning Application Notifications and Planning Agendas:

3. On receipt of a planning application notification from Cornwall Council (sent by email to enquiries@padstow-tc.gov.uk) the application be placed on the next available Planning Committee agenda.
4. If the application has arrived too late to add to the next available Planning Committee agenda; if time permits the application be taken to the following meeting of the Planning Committee. If not possible, due to timings, in the first instance the Council Support Officer or Town Clerk to seek extension of time to deadline for a response in order that it may be discussed by the Planning Committee. If this request is not extended by Cornwall Council – only in exceptional circumstances the application be placed on the next available meeting of Full Council (if before the Planning Committee and the Chairman of the Council agrees. The Chairman of Planning [*or in his/her absence the Vice-Chairman, if one is elected*] to be advised.
5. If, in the unlikely event that due to timings, the above [number 4] is not possible or the Chairman of the Council does not wish it to be placed on the Full Council agenda, the Chairman of Planning, in consultation with the Town Clerk, request an Extra-Ordinary Meeting of the Planning Committee to consider the application/s.

6. On receipt of planning application notifications, the Council Support Officer will forward these along with plans and relevant paperwork to Planning Committee Members who have signed up to this service via email. Any Councillor of Padstow Town Council can be emailed this information upon request.
7. On the day of the Planning Committee meeting [or Full Council meeting] the Council Support Officer will check Cornwall Council's Planning Department's website and note down on each application – people in support, not support or undecided and printing off all comments that are available; along with details on time when this was checked. *NB: This information is a snapshot and taken at a moment in time – Planning Committee members to still be proactive in this regard.*
8. All applications details including notification, plans and relevant papers will be copied and available for the meeting.

Planning Decisions:

9. Only in exceptional circumstances will a planning application be re-considered if the Chairman of the Committee [or in his/her absence the Vice-Chairman, if one is elected] considers that new information has come to light after the original discussion which in his/her opinion is of material consideration. However, if the time for comment to Cornwall Council has lapsed and there is not enough time to hold a meeting on this matter before this time has lapsed, it cannot be re-discussed. If she or he so wishes, the Chairman of the Committee [or in his/her absence the Vice-Chairman, if one is elected] can request that this new information be sent to Cornwall Council Planning.
10. The Council is a consultee; any subsequent concerns or queries following a decision by a member of the public or a fellow Councillor will be advised to contact Cornwall Council Planning Department and/or the Local Cornwall Councillor to raise their concern in this regard.
11. Should the issue arise, as outlined in number 10, the Council Support Officer or Town Clerk to advise the Chairman of Planning and the Local Cornwall Councillor and respond to the person who raised the matter appropriately in line with this Planning Protocol.
12. Following the meeting [usually the day after] decisions will be updated by the Council Support Officer on the Padstow Town Council's Planning Register and Cornwall Council duly notified by email.

Cornwall Council Planning Officer Disagreement:

13. If a Cornwall Council Planning Officer disagrees with the decision made by the Planning Committee [or Full Council] in accordance with the 'Protocol for Local Councils' (appended), the Town Council has three options:
 - a) Agree with the Planning Officer's recommendation;
 - b) Agree to disagree; or
 - c) Maintain the objection to the proposal against Planning Officers recommendation and request committee consideration by the planning committee (which the Planning Officer will then discuss with the Divisional Member who may agree or disagree with our view).

The Planning Officer requires that we inform him/her which option we would wish to choose within 5 working days from the date of the communication. If option 3 is selected, the 'Protocol' explains the importance of a representative from our council attending and speaking at the planning committee meeting so the committee can fully understand the Council's reasons for proposing a decision which is contrary to that of the case officer.

If we do not respond within 5 working days, a delegated decision will be issued in accordance with the Planning Officer's recommendation. The Town Clerk, in consultation with the Planning Committee Chairman *[or in his/her absence the Vice-Chairman, if one is elected]* to have delegated authority to respond. If item c) above is decided, as per the Planning Committee Terms of Reference it will be required to appoint a member of the Committee to represent the Council at the Cornwall Council Planning Committee. This to be placed on the next available Planning Committee agenda for consideration.

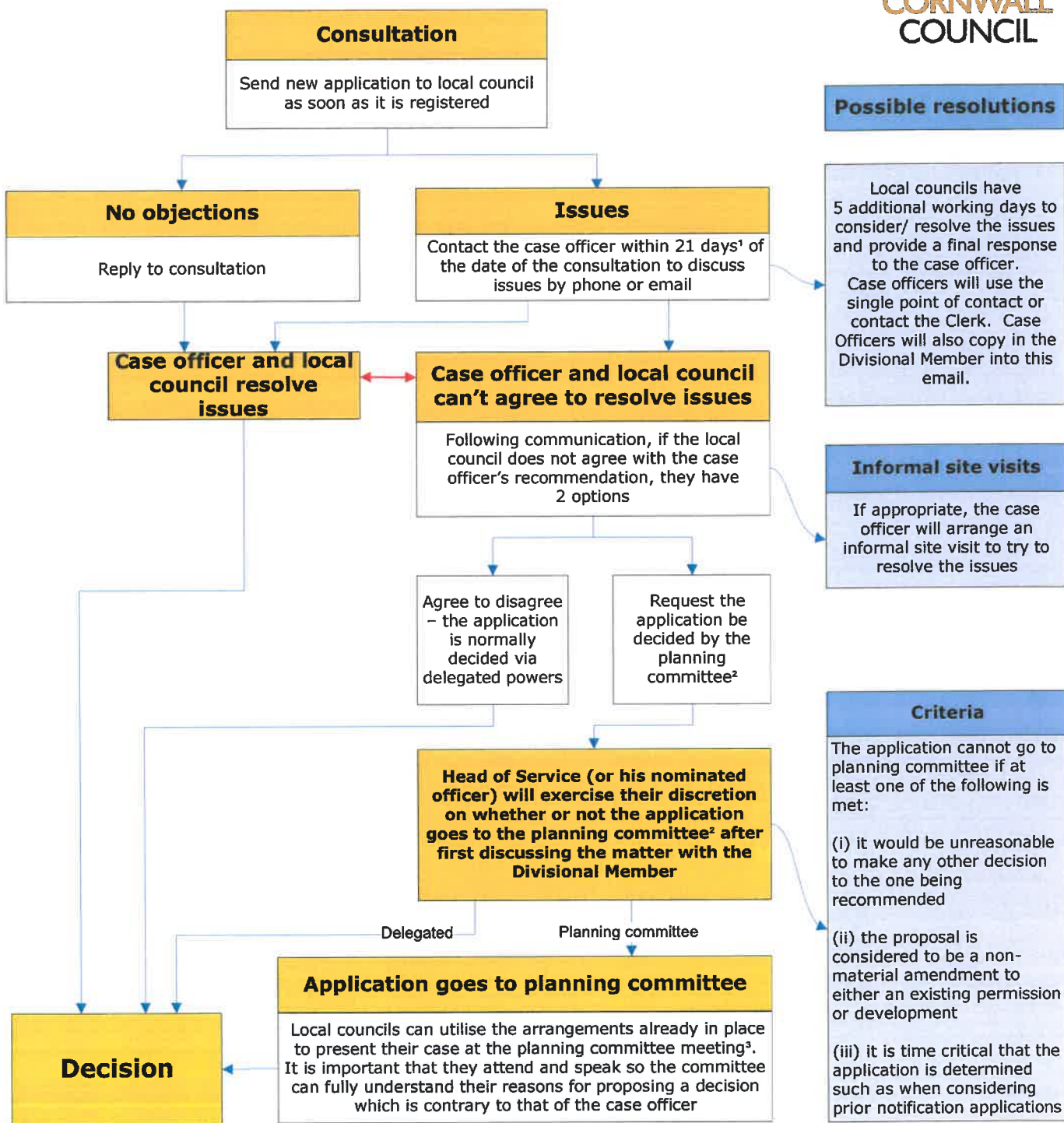
- 14.** If the Planning Committee Chairman is not comfortable in making such a decision. He/she can either consult fellow Planning Committee Members [either by phone or email] and based on their views respond appropriately via the Town Clerk. However, if he/she considers the matter to be particularly difficult to request an Extra-Ordinary meeting of the Planning Committee to consider the matter [NB: This is required within the timescale set by CC].

February 2017

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Station Road
Padstow
Cornwall
PL28 8DA

Kathy Pemberton
Town Clerk
Email: enquiries@padstow-tc.gov.uk
Website: www.padstow-tc.gov.uk
Tel: 01841 532296

PROTOCOL FOR LOCAL COUNCILS



Notes

¹21 days is the statutory time period - if an extension of time is required, the request and response must be in writing (or email) and is likely to be acceptable unless a decision is imminent.

²See page 2 for further information.

³Any written supporting statements must be submitted at least 3 working days before the committee meeting.

If a case officer is on leave or sick, contact your 'friendly link officer' who will be able to find out who is dealing with the application in the case officer's absence.

PROTOCOL FOR LOCAL COUNCILS

The objective of the Local Council and Member Protocols is to encourage dialogue and make sound planning decisions locally

Constitution [Responsibility for Functions]

This states that a Local Member can request any application falling under the 'Major' or 'Minor' category to be taken to a planning committee for consideration, so long as it is in writing/email and that sound planning, policy and other area reasons have been provided setting out why committee consideration is necessary.

Major and minor application types are:

New dwellings
Offices / research and development / light industry
General industry / storage / warehousing
Retail distribution and servicing
Gypsy and Traveller pitches
All other large scale major developments
All other small scale major developments
All other minor developments

Other application types are (and can be called to the planning committee by the Head of Service or his nominated officer):

Minerals Processing (ie ancillary mineral operations defined under the GPDO)
Change of use (no significant building or engineering work involved)
Householder developments
Included in householder developments are extensions, conservatories, loft conversions, dormer windows, alterations, garages, car ports or outbuildings, swimming pools, walls, fences, domestic vehicular accesses, including footway crossovers, porches and satellite dishes.
Advertisements
Listed building consents to alter / extend
Listed building consents to demolish
Conservation area consents
Certificates of lawful developments
Notifications (where no planning application is required)
Discharge of planning conditions
Non-material amendments
Works to trees in a conservation area
Works to trees covered by a Tree Preservation Order

If you would like this information in another format please contact:

**Cornwall Council
County Hall
Treyew Road
Truro TR1 3AY**

Telephone: **0300 1234 100**

Email: enquiries@cornwall.gov.uk

www.cornwall.gov.uk