

KENNINGTON COMMUNITY COUNCIL

Planning Committee Terms of Reference

The Planning Committee Terms of Reference were adopted by Full Council at its Council Meeting held on 11 September 2019.

1. Objective

Kennington Community Council is a statutory consultee to the District Planning Authority (Ashford Borough Council) and County Planning Authority (Kent County Council) for all planning applications that directly relate to the Community area. The Planning Committee is constituted to consider and prepare a response on behalf of the Council to all applications for planning permission and planning appeals referred to Kennington Community Council by the District or County Planning Authority, notified in accordance with the Local Government Act 1972, Section 20, Schedule 16 and other relevant legislation.

2. Committee

- a. The Planning Committee is constituted as a Committee of Kennington Community Council in accordance with section 4 of the Council's Standing Orders.
- b. The Committee will work closely with the Council's Proper Officer to provide assurance that all planning applications that directly relate to the Community area are brought forward for consideration in a timely manner, and that the Committee's views in respect of planning applications which merit support, objection or other comment are lodged with the relevant Planning Authority within their published timescales.
- c. Notwithstanding this, all Councillors will be provided with ready access to view all such applications and may draw issues to the attention of the Committee by notifying the Council's Proper Officer.
- d. The Committee will make reasonable endeavours to find out the views of the community, to inform its views when considering applications.

3. Precedence

- a. Where there is any actual or perceived difference in interpretation between these Terms of Reference and the Council's Standing Orders or Financial Regulations, the Council's Standing Orders or Financial Regulations shall apply.

4. Members

- a. Seven Councillors shall be appointed as voting members. In addition, the Chair of the Council, unless he or she is one of the seven appointed voting members, shall be an ex-officio member entitled to attend meetings, to speak, to propose or second a motion but not to vote. Thereafter appointments shall be made annually at the Annual Council Meeting. Substitute members are permitted, provided three days' notice has been given to the Proper Officer.
- b. In the event of a vacancy arising on this committee, a replacement Councillor may be appointed during the year by the Community Council at a full Council meeting and serve until the Annual Council Meeting.
- c. The Council's Proper Officer shall attend all meetings of the Committee, to provide advice and guidance and to record outcomes of the meeting.

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- d. The quorum of the Committee shall be three Members.
- e. All Members will be offered training in planning law and procedure as determined in agreement with the Personnel and Development Committee from time to time; any Member who declines to undertake such training within 4 months of appointment will cease to be a Member of the Committee.

5. Chair and Vice Chair

- a. The Chair is to be elected annually by the Committee at their first Meeting, In the event of the Chair resigning from that position, from the Committee or from the Council, a new Chair is to be elected at the next Committee meeting, to serve for the remainder of the year.
- b. The Vice Chair (if there is one) is to be elected annually by the Committee at their first Meeting. In the event of the Vice Chair resigning from that position, from the Committee or from the Council, a new Vice Chair is to be elected at the next Committee meeting, to serve for the remainder of the year
- c. The Chair of the Committee, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice Chair of the Committee (if there is one) if present shall preside.

6. Voting

- a. Only the Councillors referred to in paragraph 4 above may participate in a meeting and vote. In the case of an equal vote the Chair of the Committee shall have a second or casting vote.

7. Interests

- a. A Councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his/her right to participate and vote on that matter.

8. Meetings

- a. The Committee will meet as the workload requires in order to consider the Council's timely response to any planning issues, but in any case at least four times each year with a minimum of 5 working days' notice given.
- b. Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons.

9. Terms Of Reference

The Committee will review its Terms of Reference at its first meeting after the Annual Council Meeting of Council, or when necessary, and make recommendations to full Council for their amendment.

10. Responsibilities

- a. To consider all applications for planning permission and planning appeals referred to the Council by the District and County Planning Authorities and prepare the Council's response. Wherever possible, a member of the Planning Committee is to be nominated to attend the

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Planning Authority's meetings to represent the Committee's views in respect of planning applications which merit support, objection or other comment

- b. For each application or appeal have regard to all material planning considerations, including
 - i. Views of local residents, where it is possible to ascertain these
 - ii. Planning policies, The National Planning Policy Framework, Government circulars, orders and statutory instruments
 - iii. Previous planning decisions (including appeal decisions)
 - iv. Layout and density of buildings
 - v. Design, visual appearance, and materials
 - vi. Landscaping
 - vii. Overshadowing/loss of outlook (but not loss of view)
 - viii. Overlooking/loss of privacy
 - ix. Light pollution
 - x. Smells
 - xi. Noise and disturbance from use
 - xii. Impact on listed buildings/ Conservation Areas
 - xiii. Disabled persons access
 - xiv. Traffic generation, Parking, Highway safety issues
 - xv. Nature conservation
 - xvi. Impact on countryside
 - xvii. Loss of important trees
 - xviii. Loss of daylight or sunlight
 - xix. Archaeology
 - xx. Risk of flooding
 - xxi. Hazardous materials and ground contamination
- c. To consider all matters relating to new provision of services such as public transport, health and social care, and education, and the impact on existing services, arising from applications
- d. To identify, comment upon, and refer to the relevant authorities any matters considered to be in breach of planning permission.
- e. To make representations in respect of appeals against the refusal of planning permission or conditions imposed by the Local Planning Authority.

11. Delegation

- a. For all planning issues which concern more than a single dwelling or which raise an important point of principle, the Committee shall prepare a draft response and submit this to the Council for its decision.
- b. For all other planning issues, the Committee shall submit a response on behalf of the Council.
- c. If it judges appropriate, the Committee may delegate to the Council's Proper Officer categories of non-contentious planning application or appeal for which the Council's view may be submitted without first being brought before the Committee.
- d. The Committee will provide a report to the Council each quarter on the main features of its work.

12. Planning Policy

- a. Ashford Borough Council's Local Development Scheme (LDS) enables the local community to find out about planning policies for their area and sets out the timetable for the production of the future Local Plan documents, giving dates for key production and public consultation stages as well as outlining the subject matter and the geographical extent. The Planning Committee will monitor the LDS and co-ordinate the response of the Council to any proposed planning policies.
- b. To respond to all relevant consultation documents relating to planning and associated matters.

13. Neighbourhood Planning

- a. To consider, and to review on a regular basis (at least every four years), whether a Neighbourhood Plan or other similar scheme should be developed for the Council's area, and to make recommendations to the Council.
- b. To consider aspects of local planning such as Neighbourhood Development Orders or Community Right to Build Orders and to make recommendations to the Council.
- c. To consider whether local buildings should be put forward for listing as Assets of Community Value.

Revision History

Version	Date	Comments
0.6a	25 th July 2019	Draft Version
1.0	14 th August 2019	Adopted version
1.1	28 th August 2019	Amended membership to 7 and added Vice Chair
1.1	11 September 2019	Adopted