

## CHAPTER 2 – 9 - PLANNING COMMITTEE

### Functions and Procedure Rules

Under the Local Government Act 1972 Council has appointed a Planning Committee. Planning is not a Cabinet function and cannot be discharged by the Cabinet.

These Rules detail what powers the Planning Committee has and how Planning Committee meetings are conducted. In summary, Planning Committee deals with town and country planning, development control and conservation.

The Council has delegated certain functions to the Committee and to specific Officers. The Planning Committee and relevant Officers have the powers shown below in Functions of the Planning Committee.

The Director shall have the option to refer matters to the Committee if they believe that the matter is likely to raise matters which should be referred to the Planning Committee.

#### 1.0 Functions of the Planning Committee

	Function	Delegation (who function can be carried out by instead of Planning Committee)	Exceptions to Delegation (must be carried out by Planning Committee)
1.1	To be responsible for all the Council's town and country planning and development management functions under The Town and Country Planning Act 1990, Listed Buildings and Conservation Areas Act 1990 and The Town and Country Planning (General Permitted Development) Order (and any associated or related legislation or regulations).	Director of Place and Prosperity	Any application submitted by or on behalf of the Council for its own development, or by a serving Member or Officer of the Council and/or their respective co-habiting partners.  Where delegated authority is going to be exercised contrary to material representations and/or letters of objection have been received from more than 10 separate households which are in conflict with the recommendation.
1.2			Any application where a Member has notified the Director of Place and Prosperity (in writing or by e-mail)

		<ul style="list-style-type: none"> <li>- within 21 days of the publication of the weekly list or</li> <li>- within any subsequent consultation period</li> </ul> <p>that the application should be determined by the Planning Committee and the notification is supported by one or more reasoned material planning considerations. In such cases, the Chair of the Planning Committee shall determine whether the application requires a debate by the Committee and whether as a result it should be presented to Committee based upon advice from the Lead Planning Officer.</p>
1.3		Any application that in the opinion of the Director of Place and Prosperity (in consultation with the Chair of Planning Committee) is likely to raise matters which should be referred to the Planning Committee.
1.4	<b>Highways use and regulation</b> The exercise of powers relating to the regulation of the use of highways (including footpaths and bridleways)	Director of Place and Prosperity None
1.5	<b>Tree Preservation and Hedgerows</b> Functions relating to the preservation of trees and the protection of important hedgerow, including the making of TPOs and Hedgerow Protection Order. Powers relating to complaints about high hedges.	Director of Place and Prosperity None

1.6	<b>Enforcement powers</b> The exercise of powers relating to the enforcement of planning control set out in The Town and Country Planning Act 1990 and any associated or related legislation or Regulations).	Director of Place and Prosperity Assistant Director for Governance & Democracy	None
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## 2.0 Planning Committee Procedure Rules

### 2.1 Application of the Meetings Procedure Rules

These Rules should be read in conjunction with the Meetings' General Procedure Rules which detail the rules of debate and apply to all meetings of Council except as varied below.

### 2.2 Composition of the Committee

The Committee shall comprise eleven Members all of whom shall have undertaken mandatory training contained within the Members Development Programme on an annual basis which shall consist of annual planning and probity training as well as any ad hoc training considered mandatory by the Director of Growth and Regeneration due to legislative changes throughout the year. Attendance must be for the duration of each training session.

If Members have not completed the mandatory training they will not be able to sit on the Planning Committee until such time as the record of attendance shows that mandatory training has been completed.

### 2.3 A record of attendance at training sessions will be maintained by Democratic Services.

### 2.4 Quorum

The quorum for the Committee shall be six Members which must be maintained for the duration of the meeting.

Substitute Members shall be allowed in accordance with the Substitute Procedure Rules.

The Committee is politically balanced.

### 2.5 Who shall Chair the Meeting

The Chair of Planning as determined by Council at the Annual Council Meeting, shall chair and in their absence the Vice Chair of Planning shall preside. If neither are in attendance, the Chair shall be elected by attending Members by a majority of votes.

## 2.6 Public Representations

### 2.7 Written Representations

Any written comments on applications/photographic content must be received by the Council two clear working days (not including the date of the meeting) prior to a Committee Meeting otherwise they will not be considered by the Committee.

This allows for the planning case officer to evaluate the content, if relevant pass comment upon it, summarise it and circulate it to members at the meeting as part of their addendum

### 2.8 Public Speaking at Planning Committee Meetings (Have Your Say!)

The Applicant, the Parish Council or persons having submitted written representations on a planning application will be informed of the relevant Committee meeting and should they wish to address the meeting of the Planning Committee on the application are able to do so subject to the following criteria.

2.9 There is a right to address the Planning Committee on any application on which it will make a determination.

2.10 A written request to speak by objectors/supporters, Parish Councils, Ward Members and/or Ward Member of a neighbouring Ward which is affected by the application and/or a presentation which will support the public speaking must be received by the Council by no later than two clear working days (not including the date of the meeting) prior to the date of the meeting. This will enable the planning case officer to evaluate the content, if relevant pass comment upon it, summarise it and circulate it to members at the meeting as part of their addendum.

2.11 Where more than one objector or more than one supporter have expressed a wish to address the meeting they will be asked, in advance of the meeting, to choose a person to speak for all objectors and, if relevant, a person to speak for all supporters. Where agreement on a spokesperson can not be found between interested parties the allocated three minutes may be split equally between a maximum of two speakers. In the absence of such agreement, the first requestor shall speak on their behalf.

2.12 Where an Objector wishes to address the Committee, the Applicant will be informed unless they have already indicated that they wish to address the meeting.

2.13 The Planning Officer shall introduce the report, any necessary updates and an explanation of their recommendation/s to the Committee before public speaking can commence.

2.14 If relevant, a representative from the Parish Council may speak for up to three minutes. At the end of that time period, the Chair shall ask the speaker to stop whether or not he/she has concluded his/her statement.

- 2.15 If relevant, the Objector or the Objectors' spokesperson may speak for up to three minutes. At the end of that time period, the Chair shall ask the speaker to stop whether or not he/she has concluded his/her statement.
- 2.16 If relevant the Supporter or the Supporters' spokesperson may speak for up to three minutes. At the end of that time period, the Chair shall ask the speaker to stop whether or not he/she has concluded his/her statement.
- 2.17 If relevant the Applicant or the Applicant's representative may speak for up to three minutes. At the end of that time period, the Chair shall ask the speaker to stop whether or not he/she has concluded his/her statement.
- 2.18 Where an application is due to be considered at a meeting of the Planning Committee any member of the committee who represents that Ward should recuse themselves from consideration of that item. If the Local Ward Member(s) or Ward Member of a neighbouring Ward which is affected by the application is/are present at the Planning Committee ~~and not serving as a Member(s) of that Committee;~~ he/she will be allowed to speak to the Committee for a maximum of three minutes (where there is more than one such member that time shall be shared by agreement or, in the absence of agreement, equally) and shall sit in the public gallery for the entirety of the agenda item; being called forward at the appropriate point by the Chair to address the Committee.
- 2.19 Where a member of the Planning Committee decides that they want to act as a representative of their Local Ward or Neighbouring Ward affected by the application, reporting and advocating the views of constituents, they shall seek the consent of the Chair to do so at the start of the meeting. He/she will be allowed to speak to the Committee for a maximum of three minutes (where there is more than one such member that time shall be shared by agreement or, in the absence of agreement, equally) and shall sit in the public gallery for the entirety of the agenda item; being called forward at the appropriate time by the Chair to address the Committee, following which he/she shall return to the public gallery. He/she shall not participate in consideration of the application by the Committee nor vote on the application.
- 2.20 ~~Where a Ward Member chooses to continue to act as a Planning Committee representative, they shall comply with the Planning Protocol by ensuring that they act on behalf of the Borough Council and are not influenced by locality or have bias towards applicants or areas. The Ward Member may arrange for a fellow Ward Member to speak on behalf of their constituents. Where all Ward Members are members of the Committee and wish to continue to act as a Planning Committee representative, they may arrange for a Councillor of a neighbouring ward to undertake the duty of speaking on behalf of the constituents of the affected ward.~~

- 2.21 Local Ward Members may not speak as a Ward Member if they have a Disclosable Pecuniary Interest or would not be complying with the wider obligations of the Members Code of Conduct.

Where more than one Ward Member has expressed a wish to address the meeting they will be asked, in advance of the meeting, to choose a spokesperson between them. The Ward Member for the Ward where the application is situated should take precedence. Where agreement on a spokesperson can not be found between Ward Members the allocated three minutes may be split equally between a maximum of two Ward Members and/or referred to the Chair of the meeting.

- 2.22 Public participation upon planning applications is limited to the making of statements as described in these Rules. Questions may not be asked, and Members may not ask questions of the participant except for clarification purposes.
- 2.23 Public participation at meetings must be made orally at the meeting. New written statements/photographic content or presentations may not be submitted instead of personal attendance and documents including photographs may not be circulated by a member of the public at the meeting, except for a petition.
- 2.24 In speaking to the Planning Committee, any comments made must relate to the relevant planning issues such as:
- Relevant planning policies
  - Layout and density of buildings
  - Overshadowing, overlooking and loss of privacy
  - Appearance and character of development
  - Traffic generation, highway safety, parking provisions
  - Noise disturbance or other loss of amenities
  - Other material planning considerations
- 2.25 Comments must not relate to irrelevant planning issues such as:
- Boundary Disputes, covenants or other property rights
  - Personal remarks (e.g. applicant's motives)
  - Reduction in property values
  - Loss of private views over land
  - Matters dealt with under other statutes (e.g. Licensing)
- 2.26 In the exercise of absolute discretion, the Chair may disallow or terminate any public participation which is scurrilous, vexatious, improper, irrelevant or otherwise objectionable.
- 2.27 There will be no further opportunity to address the Planning Committee at that meeting except at the request of the Chair for clarification purposes. There may be

opportunity to speak again if consideration of the application is deferred to a future meeting (subject to the Chair's discretion to refuse a request to speak if the opportunity to do so was abused when first exercised).

- 2.28 Applications will not usually be deferred because of the absence of the applicant, a member of the public, or Parish Council representative, to make an oral presentation to the Planning Committee. The Committee may decide to defer an application due to the absence of such a person where they are unavoidable reasons for their failure to attend and when doing so will cause no injustice to any other person involved in the application. Examples of unavoidable reasons include serious illness or injury or emergency over which the person concerned has no control.

### 3.0 Advice at Planning Committees

- 3.1 Advice shall be available to Members of the Planning Committee in the form of a Legal Advisor, Lead Planning Officer and any other officers or representatives whose primary role is to advise the Chair and Committee Members.

### 4.0 Site Visits by the Planning Committee

- 4.1 Before every meeting of the Planning Committee, where appropriate, a site visit for each application will be made.
- 4.2 It is strongly recommended for any Members of the Committee wishing to vote on the applications, to attend the site visits.
- 4.3 At the site visit Members shall receive a factual presentation and explanation, with a chance to ask relevant questions.
- 4.4 At no time should the merits of the planning proposal be discussed.
- 4.5 Individual Members should not engage in direct discussion with the applicant or agent at any time during a site visit except by questions direct through the Chair.

### 5.0 Voting

- 5.1 Votes will usually be cast using the electronic voting system unless, due to a technical failure or a change of venue, it is not available.
- 5.2 Where an application has been deferred from an earlier meeting, any Committee member who was not present at that earlier meeting may not vote on that application.

### 6.0 Membership

6.1 The Leader of the Cabinet and any member of the Cabinet whose Portfolio includes matters of planning policy should not usually be appointed to the Planning Committee.

[OR]

6.1 If however, as a result of the small size of the Council and the statutory requirement to ensure political balance of committees it is considered unavoidable that the Cabinet Leader and/or any member of the Cabinet whose Portfolio includes matters of planning policy must be appointed to the committee, they should withdraw from meetings which are to determine applications made by the Council which that member has supported.

6.2 For the avoidance of doubt in such circumstances, the Leader and Portfolio Holder(s) concerned may still exercise any rights they may have as ward members.