

Planning Committee Procedure

November 1-May

2022

This document sets out the detailed procedures for those attending the Planning Committee; it also outlines the procedure used for the Planning Working Group.

Planning Committee – Procedure

This document sets out the detailed procedures of the Planning Committee that are not covered by the council's procedure rules within the Constitution. The Members are bound by the Council's constitution, Code of Conduct and the Protocol of Good Practice.

The Planning Committee consists of 11 Councillors, drawn from each of the political groups within the Council.

Prior to the Meeting

How do I know the application I am interested in is going to committee?

5% of applications are determined by the committee, all other applications are dealt with under delegated powers by the Development Management Manager (see Constitution for detail). If an application is to be submitted to committee for consideration, you will be notified of this about a week before the meeting, if you are an applicant or their agent, or have commented on the application.

What happens if there is a site visit prior to the meeting and who decides to have them?

The committee consider a major application list at each of its meetings, from this list they decide whether they wish to determine an application and/or have a full committee site visit. (Only members of the committee and the planning officer attend full committee site visits).

The Planning Committee can also agree to defer the determination of an application to allow for a Planning Working Group (8 Members) site visit to be held when they consider an application at a meeting. (Procedure attached).

Can I see a copy of the committee agenda/officer's report?

Copies of the agendas for Planning Committee are published at least five clear working days before the meeting. Agendas can be accessed via the Council's website via the following link:

<https://democracy.middevon.gov.uk/ieListMeetings.aspx?CId=132&Year=0>

Can additional representations be made after the agenda has been published?

Any additional written or photographic material will only be accepted by the Committee Clerk and forwarded onto the Committee if it is received by the Friday before the committee.

Members of the public and/or applicants/agents will not be permitted to share their own presentations/photographs or written statements to the Committee on the day of the meeting.

The Meeting

Are members of the public allowed to attend and/or speak at Planning Committee meetings?

All meetings of the Planning Committee are open to the public. You can attend in person or remotely. You are asked to inform the Committee Clerk by 4pm the day before the meeting if you will be attending via committee@middevon.gov.uk and advise how you will be attending. If you intend to speak at the meeting you must provide the detail of which application you wish to speak to and in which capacity.

In accordance with Council Procedure Rule 11.1 only:

(d) Residents, electors or business rate payers of the District shall be entitled to ask questions

Questioners may be requested to submit evidence of the above.

All questions are to be submitted to the Committee clerk by 4pm the day before the meeting. Questions not submitted in advance will not be permitted.

Public Question Time is available at the beginning of the meeting for those present to ask questions about any item of the agenda, or to speak briefly by way of background or introduction to those questions, including planning applications.

Questions may be rejected if:

- They do not refer to material planning considerations
- They contain any defamatory statements
- They contain reference to any new information not previously submitted as part of the planning process
- They are duplicate questions already submitted

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Members of the public, Parish Councils and Ward Members also have a right to speak at meetings of the committee during the consideration of planning applications.

If the person asking the questions is not available to attend the meeting in person or remotely, they can request that the Chairman read out the question on their behalf. The questions to be read out must be provided to the Committee Clerk by 4pm the day before the meeting to committee@middevon.gov.uk. It is at the Chairman's discretion that questions are read out as they have been submitted.

For applications reserved for individual consideration, the Chairman will call those who have indicated a wish to speak in the following order: officer, one objector (3 minutes), one from applicant/agent/supporter (3 minutes), Parish Council (3 minutes) and Ward Member(s) (5 minutes each).

In the event of more than one objector or applicant/supporter wishing to speak, a spokesperson should be agreed between the objectors or applicant/supporters. If the objectors or applicant/supporters cannot reach agreement about who will speak, then the person who registered first will be given the opportunity to speak. (Public Question Time is available for others to speak if they wish to do so).

Through the Chairman, Members of the Planning Committee may ask questions of any person who has spoken. Further, a Ward Member who has spoken may raise through the Chairman a point of order in order to correct a statement or error of fact which has been made during the course of the debate.

How much time will be allowed for speakers?

As stated above a maximum of 3 minutes will be allowed for the objector, the applicant/agent and a representative from the Parish Council. Ward Members (whether or not they are on the planning committee) will have 5 minutes.

Speakers should restrict their comments to material planning considerations only, examples are listed below:

- Government guidance and Local Plan Policies
- The Development Plan
- Highway safety and impact of traffic in the environment
- Design, appearance and layout – visual impact
- Residential amenity – privacy, loss of light, overbearing, noise, smells
- Conservation of buildings, trees and open land
- Need to safeguard the countryside or protected species of plant or animal
- The need for development
- Previous planning history of the site
- Case Law
- Appeal decisions

The following are examples of matters which are not material planning considerations:

- Private property rights such as covenants
- The applicant/developer's identity, morals, motives or past record
- Effect on the value of your property
- The fact that development has commenced without the benefit of planning permission
- Loss of a private view
- Private neighbour disputes.

Is the meeting recorded?

All meetings of the committee are audio recorded. The recordings will be available on the website within 5 days of the meeting.

What will be the order of items at the committee meeting?

The applications will normally be considered in agenda order. The Chairman may however at his/her discretion alter the running order.

The time taken to discuss each item is difficult to predict and estimates of when each item is to be heard cannot be given.

How is each application considered at Committee?

Each application will be considered as follows:

- A report will be included on the agenda for all parties to have read prior to the meeting.
- The Chairman will announce the item to be considered.
- The Chairman will request any interests that members of the committee require to be registered.
- The Planning Officer will make a presentation on each application. This will be a summary of main points only as full details will be incorporated in the written report. A powerpoint presentation will be used for visual presentations of plans, drawings, layouts, elevations and other illustrative material which was not included in the report (this could include any late or updated information).
- The officer recommendation on each application will be stated within the report

- Registered speakers will be called to speak in the following order:
 - Objector to the application
 - Applicant or agent
 - Parish Council
 - Ward Member
- At the conclusion of the public speakers, the Chairman will invite questions of fact/clarification from members of the committee to officers but no submission of views will be given at this stage. Officers will respond to queries with factual information.
- When all information has been received, the members of the committee will discuss the application.
- The committee will then take a decision on the application. This will be made by a councillor making a proposal which will need to be seconded before it can be voted on. If the Chairman proposes a decision from the Chair then it does not need to be seconded.
- Once a proposal has been proposed and seconded the Chairman will make it clear upon which motion/amendment the vote is to be taken and ask for members to vote either in favour or against the application (individual votes will not be recorded unless specifically requested by Members of the committee). The Committee Clerk will count the votes so that everyone is aware of the result.
- The Chairman will state the decision of the committee on the application following the vote.

What happens if the Committee wish to make a decision contrary to the Officer's recommendation?

As the decision makers, Members have the authority to make a proposal which is contrary to the officer's recommendation. If Members are minded to refuse an application which is contrary to a recommendation of the Head of Planning and Regeneration, the application should be deferred to allow for a report to be received setting out the implications for the proposed reasons for refusal.

What happens if the Committee wish to add additional and/or amend conditions already proposed by the planning officer?

If the committee consider it appropriate to add a further condition to a recommendation for approval or to vary a condition that is set out in the report, they

may do so, provided that the opportunity is given to officers to make any comments on the implications and appropriateness of such a condition or amendment.

After the meeting

When are Decision Notices issued?

The Planning Department aim to issue the decision notices to the applicant within a few days of the committee meeting.

When are the Committee minutes available for members of the public?

The minutes are normally provided on the website within 5 working days of the meeting.

Procedure for Planning Working Group

1. Arrive on site
2. Introduce the Members and others present
3. Ask the Committee Clerk to remind the PWG why they are there
4. Inform the Group of the procedure that will take place

- a) the Area Planning Officer will outline the application
- b) the Objector will be requested to speak
- c) the Applicant will be requested to speak
- d) the Town/Parish Council Representative will be requested to speak
- e) the Ward Member will be requested to speak
- f) Members of the Committee may like to ask any questions regarding statements made by the above

5. Members should be reminded that they should stick together and not wander off; everyone present should be able to hear what people have to say.

6. Remind those present that the PWG is an extension to the Planning Committee, all discussions should come through the Chairman and there are no time limits on speaking, however those attending are encouraged to keep their representations short and to the point.

Once the APO has outlined the application then invite the above to speak in order. It may be that you encourage them to speak again (in the same order) when you get to different parts of the site, however they should not repeat themselves.

Once everyone has had a chance to speak and ask questions, thank those attending for their input and say that the PWG will now have a short discussion before departing, also inform those present that we will not be making a recommendation to the Planning Committee but will inform the rest of the Committee of our thoughts following the visit.

NB. When trying to organise a PWG site visit, try and make it the Friday week following Committee, timing is important as the notes of the meeting have to marry up with the report for the publication of the next agenda.