

Appendix 2

Officer Amended Article 10 of the Constitution

ARTICLE 10

Planning Committees

The Council will establish the following Committees which shall be appointed at its annual meeting.

Membership

- (1) The following shall be the non-executive committees of the Council, consisting of the number of members set out below:

Committee or Sub-Committee	Number of Councillors	Membership
Planning Committee A and B	9 members on each Committee, drawn from a pool of 20	20 members of the Council appointed by the Council, subject to pro rata requirements and excluding the Leader of the Council and the Portfolio Holder overseeing the service determining planning applications. Members to be appointed on the basis of aptitude, interest and planning experience.

- (2) Newly elected members may be appointed to the Planning Committee at the next ordinary meeting of the full Council.
- (3) A member of the executive may serve on a Planning Committee if otherwise eligible to do so as a Councillor.

Responsibility for functions:

The Committees the subject of this Article have responsibility for determining matters which have been delegated by the Council and the Executive shown in Part 3 of this Constitution, showing those which are the responsibility of the Executive and those which are not Executive functions and any limitations on delegation.

Terms of Reference:

Planning Committee

(1) To determine:

- (a) All Full Planning Applications
- (b) All Outline Applications and Reserved Matters Applications
- (c) All Applications for Hazardous Substance Consent
- (d) Tree Preservation Order Consent applications where felling is proposed.

Where:

1. The decision is a substantial departure from:
 - (i) the Council's adopted Local Plan; or
 - (ii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive.
2. It is an application for residential developments consisting of 10 or more dwellings (unless approval of reserved matters only) which are recommended for approval.
3. It is a Major Planning Application¹ made by the Council on land and / or property in its ownership which are for disposal.
4. Applications are contrary to at least 5 contrary representations received (including from a local council or local amenity group) that are material to the

¹ 'major development' means development involving any one or more of the following;

- (a) The provision of dwellinghouses where (i) The number of dwellinghouses to be provided is 10 or more; or (ii) The development is to be carried out on a site having an area of 0.5 hectares or more but less than 4 hectares where the number of dwellinghouses is not known (normally an Outline application).
- (b) The provision of a commercial building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (c) Commercial development carried out on a site having an area of one hectare.

planning merits of the proposal.

5. Applications which a member has requested be referred to committee for consideration subject to the request being made in writing clearly laying out the planning reasons for the request and the wider public interest of the scheme², within 4 weeks of that application's notification in the weekly list.

6. It is an application made by an elected member or Senior Officer (Head of Service and above) of the Council or a relevant person (see code of conduct for definition) recommended for approval, or where an elected Member has made representations in a purely personal capacity.

7. A decision is contrary to the decision made by the Committee on a similar scheme within the last 12 months, unless otherwise agreed by the Chairman and Head of Planning.

8. The Head of Planning considers it appropriate to be determined by members.

² There is no definition of 'wider public interest'. This would be considered on each application and its merits. Any dispute would be resolved by the Planning Portfolio Holder, in discussion with the Head of Planning.

Joint Meeting of the Planning Committee Chairmen and Planning Portfolio Holder(s)

- (1) To consider matters relating to the conduct and good governance of planning meetings.
- (2) To consider any current and future requirements for member training necessary to support the effective operation of the Council's development management function and responsibilities.
- (3) The Committee shall ordinarily meet twice a year.
- (4) The Committee shall comprise the Chairmen of the Planning Committee, the Cabinet Member responsible for Planning Policy matters, plus a Councillor nominated by the Leader of any political group not otherwise represented on the Committee, and shall have the assistance of the officer in charge of the Development Management system, or her/his nominee.
- (5) The Committee shall be chaired by one of the Chairman of the Planning Committee, and in her/his absence, by the Planning Portfolio Holder.

Public Participation at Planning Committees on Planning Matters

- (1) There shall be afforded to those classes of persons specified in the rules for participation at Appendix 1 to this Article an opportunity, on request, to make oral representations to any Planning Committee meeting concerning any planning application or related matter before that Committee for determination. Such arrangements for public participation also apply to all planning applications considered by the full Council.
- (2) The procedure for dealing with requests to address a Planning Committee shall be as prescribed from time to time by the Council and as set out in Appendix 1 to this Article.

Site Visits

- (1) Formal Site visits may be undertaken of any potential development site subject to application where there is a substantial benefit to the decision-making process. A site visit will be arranged for every application put forward for decision at Planning Committee, unless otherwise determined by the Chairman of the Planning Committee.
- (2) Formal site visits may also be held for all members with regard to any planning application to be considered by the full Council. Such site visits shall be approved by the Chairman of the Council on the recommendation of the Service Director (Planning Services).
- (3) Formal Site visits will be undertaken following the guidance at Appendix 2 to this Article.

**RULES FOR PARTICIPATION ON PLANNING MATTERS AT COUNCIL AND
PLANNING COMMITTEE MEETINGS**

1. The following persons shall be able, on request, to address the Planning Committee and/or the Council on any planning application or related matter within its terms of reference and included on any agenda, for a period of three minutes:
 - (a) one objector;
 - (b) one representative of any relevant Parish or Town Council for the purpose of explaining the views of that Council on the matter in question;
 - (c) one representative of any other authority consulted on the application or as a statutory consultee where they have so requested; and
 - (d) the applicant (or one nominated agent or representative);
2. Any relevant Ward Member will be allowed the opportunity to speak on any application being determined at Planning Committee that is situated within their ward.
3. For the purposes of this Standing Order the definition of "planning application or any related matter" shall not include any existing or proposed enforcement action under the Planning Acts.
4. The Chairman of the Planning Committee or the Council may allow additional speakers in exceptional circumstances.
5. Persons wishing to address the Planning Committee or the Council are required to register with Democratic Services by 4.00 pm on the day before the meeting. The Chairman may make changes or additions to speakers after that time at their discretion.
6. Persons addressing the Planning Committee or the Council shall be allowed no more than three minutes to present their case. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from members.
7. Written submissions and photographic or similar material will not be considered by a Planning Committee or the Council. Any written submissions received after the agenda is produced will be verbally summarised and reported to the Committee.
8. The officer's recommendation will be based on national and local government planning policies as well as their own professional judgement. The members' role is to consider all the planning issues and merits of each application put forward in the report and then make a decision.
9. The members cannot consider any other issues other than planning issues. Relevant planning issues, which you can take into account when determining applications, include:
 - The Local Plan and the various policies which it contains (including any adopted Neighbourhood Plans);
 - National or regional guidance;
 - The planning history of the site;
 - The visual impact of the development;

- Effect on public amenity;
 - Access, traffic and highway considerations;
 - Impact on listed buildings, conservation areas or protected trees;
 - The views of local people insofar as they are based on relevant planning issues;
 - Financial viability (i.e. regarding affordable housing or IDP contributions);
 - Overlooking/loss of privacy;
 - Loss of light or overshadowing;
 - Noise;
 - Environmental issues – flooding, protected species, trees, the forest.
10. Matters which are not material planning considerations and which cannot be taken into account include:
- Effect on property values;
 - The character, identity or personal circumstances of the applicant or objectors;
 - Boundary or property disputes;
 - How the application affects a view (as opposed to the wider effect on public amenity);
 - Issues of commercial competition;
 - Land or property values;
 - Moral or ethical issues or judgments;
 - Weight of numbers of public opposition or support in itself - as opposed to relevant planning basis for such views;
 - Because it is a “*Retrospective*” application.
11. Officers will ensure that the practice of seeking clarification when Councillors' reasons are in doubt is always pursued and the Chairman, before putting to the vote a proposition or amendment differing from the recommendation, should expressly obtain clarification of reasons.
12. It is the role of the Chairman to guide, manage and control the meeting so that procedures are properly followed, everyone gets a fair chance to have their say, the debate remains focused and relevant, proper standards are maintained and the process is as efficient as possible leading to a clear and rational decision. Councillors (and officers) should do everything possible to co-operate and assist with that.
13. It is the role of the Chairman to summarise and clarify the decision of the committee for the benefit of members of the public so that there is no doubt as to the outcome of the debate, although the Chairman may request the presenting officer to clarify this.

Guidance for Members at Site Visits

Formal Site visits may be undertaken of any potential development site subject to application where there is a substantial benefit to the decision-making process. A site visit will be arranged for every application put forward for decision at Planning Committee, unless otherwise determined by the Chairman of the Planning Committee, or in his/her absence, by the Vice-Chairman.

It is recognised that Councillors are subject to lobbying on specific applications. In such cases, it is essential that care is taken to maintain the Council's and its members' integrity so as to protect the credibility of the planning process.

Councillors are asked to bear in mind the following guidance when undertaking planning site visits so as to avoid the perception of pre-determination.

- Site visits should be undertaken at an agreed predetermined time and conducted in a single group with a planning officer present at all times.
- Members of the committee concerned should attend site visits.
- The site visit is managed by the Chairman or planning officer present. The Chairman will remind Councillors of the guidance at the beginning of each visit. Members of the Committee should not enter into discussions with interested parties, such as the applicant, the agent or neighbours during the visit.
- Councillors/Planning Officers should not allow interested parties to use the site visit as an opportunity of lobbying members of the committee. It is made clear to other parties at the outset that the purpose is to gather information and to view the site only.
- Any questions from Councillors should be limited to questions of fact and directed, in the first instance, to the planning officer present and not directly to interested parties present.
- In the interests of fairness to all parties, members as a single group should consider the desirability of viewing an application site from more than one property when the site visit is arranged.
- Councillors must ensure that the application is not determined at the site visit.
- Councillors must not accept any hospitality at a site visit which could be misinterpreted by third parties.

**APPENDIX 3
GUIDANCE ON MEMBER CALL IN**

