

## Part 6.8

### Council Bodies

#### Appendix: Planning Committees

##### 1 Preamble

- 1.1 Part 3 (Meeting Procedure Rules) sets out the rules and procedures that apply to all of the Council's Bodies and Sub-Bodies.
- 1.2 If there is any conflict between the wording of Part 3 and this Appendix, this Appendix will prevail.

##### 2 Establishment

- 2.1 The Council is a Local Planning Authority ("LPA") and has established a District Planning Committee and two Area Planning Committees (the Eastern Area Planning Committee and the Western Area Planning Committee).
- 2.2 The Eastern Area Committee covers the following Wards:
  - Aldermaston;
  - Basildon;
  - Bradfield;
  - Bucklebury;
  - Burghfield and Mortimer;
  - Pangbourne;
  - Thatcham Central;
  - Thatcham Colthrop and Crookham;
  - Thatcham North East;
  - Thatcham West;
  - Theale;
  - Tilehurst Birch Copse;
  - Tilehurst South and Holybrook;
  - Tilehurst and Purley.
- 2.3 The Western Area Committee covers the following Wards:
  - Chieveley and Cold Ash;
  - Downlands;
  - Hungerford and Kintbury;
  - Lambourn;
  - Newbury Central;
  - Newbury Clay Hill;
  - Newbury Greenham;
  - Newbury Speen;

- Newbury Wash Common;
- Ridgeway.

### 3 Membership

- 3.1 Each Area Planning Committee shall consist of nine Members drawn from the Wards covered by the committee and reflecting the political balance of the Council.
- 3.2 Each Area Planning Committee shall also have Substitute Members drawn from the Wards covered by the committee, but to sit a Substitute Member must be a Member of the same political group as the Member they are substituting for.
- 3.3 The District Planning Committee shall consist of 11 Members reflecting the political balance of the Council - the Portfolio Member responsible for Planning plus five Members from each of the Area Planning Committees.
- 3.4 The District Planning Committee shall also have Substitute Members, but to sit a Substitute Member must be a Member of the same political group and of the same Area Planning Committee as the Member they are substituting for.
- 3.5 Before serving on any Planning Committee, each Committee Member or Substitute Member must receive such formal training (and refresher training) in the planning system as the Service Director with responsibility for Planning shall determine.

### 4 Scope of Role - Statutory

- 4.1 Section 101 of the Local Government Act 1972 allows an LPA to arrange for the discharge any of its functions by a committee, sub-committee, or an officer or by any other local authority.
- 4.2 All applications for planning permission and other Development Control issues (jointly “applications”) must be assessed in accordance with Section 38(6) of the Planning and Compensation Act 2004 and Section 70 of the Town and Country Planning Act 1990 as amended by Section 143 of the Localism Act 2011.

### 5 Scope of Role - Planning Principles

- 5.1 The general principle in planning is that where the Development Plan is up to date and relevant, planning applications should be determined in accordance with it unless material considerations indicate otherwise.
- 5.2 Any application contrary to the Development Plan must be advertised as such. If such an application is to be approved the material considerations leading to this conclusion must be clearly identified.

### 6 Scope of Role – Area Planning Committee

- 6.1 Each Area Planning Committee will consider applications where:
  - 6.1.1 the application is referred to the committee for decision by:
    - 6.1.1.1 the Service Director with responsibility for Planning or the Development Control Manager; or
    - 6.1.1.2 the relevant Area Planning Committee Chairman;
  - 6.1.2 the application is Called-In to the committee by a Member for the Ward to which the application relates, or a Member for a Ward adjoining the Ward to which the application relates, and that Member:
    - 6.1.2.1 has first obtained the consent of the relevant Planning Committee Chairman (or Vice-Chairman in their absence) to the Call-In; and

- 6.1.2.2 has completed the required Call-In form and submitted it within any deadline set out in the form;
- 6.1.3 the application is recommended for approval and is by or on behalf of:
  - 6.1.3.1 the Council; or
  - 6.1.3.2 any applicant where the Council owns the land in question (or part of it);
- 6.1.4 the application is recommended for approval and is by or on behalf of:
  - 6.1.4.1 a member of staff of Planning; or
  - 6.1.4.2 a Councillor;
- 6.1.5 the application is recommended for approval and:
  - 6.1.5.1 at least 10 letters of objection have been received; or
  - 6.1.5.2 a petition of objection has been received naming at least 20 signatories.

## 7 Scope of Role – District Planning Committee

- 7.1 The District Planning Committee will consider, on behalf of the Council, applications for planning permission and other Development Control issues where:
  - 7.1.1 an Area Planning Committee has referred the application to the District Planning Committee for determination following a majority vote;
  - 7.1.2 an Area Planning Committee has considered the application but the Service Director with responsibility for Planning or the Development Control Manager has determined that the decision:
    - 7.1.2.1 has a possible conflict with a policy that would undermine the Development Plan; or
    - 7.1.2.2 is of a district wide public interest; or
    - 7.1.2.3 there is a possibility for claims for significant costs against the Council.
- 7.2 Where a decision of an Area Planning Committee has been referred to the District Planning Committee as above, that decision shall not take effect until the District Planning Committee has considered it.

## 8 Site Visits

- 8.1 Site Visits are not to be used to debate the merits of the application, but rather to assess the impact of the proposed development on any locality.
- 8.2 A Site Visit is a formal meeting of the relevant Committee and the same rules apply to chairing it as apply to a Meeting.
- 8.3 Site Visits should be by those Planning Committee Members able to attend, with Officer assistance. Others attending (Town or Parish Council representatives, applicant, supporters, objectors, etc) do so at the discretion of the Meeting Chairman and may express statements (factual and not of opinion) and ask questions but only at the direction of the Meeting Chairman.

## 9 Meeting Procedure – Registering to Speak

- 9.1 Members of the groups below may address the Committee during consideration of any application (but only provided that they have first registered to speak as set out below):
  - 9.1.1 Parish/Town Council representative(s);
  - 9.1.2 Adjoining Parish/Town Council representative(s);

- 9.1.3 Objectors;
- 9.1.4 Supporters;
- 9.1.5 Applicant or their agent.
- 9.2 Apart from the applicant or their agent, applications to speak must be by persons or on behalf of bodies that have made written representations on an application as part of the consultation process.
- 9.3 The deadline to register to speak at a Meeting is 16:00 on the last working day before the Meeting. Requests must be made to the Planning Service in writing (preferably by email).
- 9.4 Those registering to speak must provide:
- the name of the person wishing to speak;
  - a contact telephone number;
  - the application they wish to speak on;
  - the capacity in which they are registering.
- 9.5 Persons registering to speak should also confirm if they are willing for the Council to share their contact details with other speakers so that arrangements can be made to nominate a spokesperson if necessary.

## 10 Meeting Procedure – Representations and Time Limits

- 10.1 In addition to those listed above, and further to the Meeting Rules of Procedure, the Ward Councillor(s) shall be entitled to speak on any application affecting their Ward.
- 10.2 Further, when the Committee considers an application affecting more than one Ward, the Chairman, with the agreement of the Committee, may allow additional speakers from the relevant Ward(s).
- 10.3 The total time allowed for speeches in respect of each of the groups of speakers shall not exceed five minutes or such longer period as the Meeting Chairman may allow with the consent of the Committee.
- 10.4 Where more than one person is entitled or has registered to speak in any of the groups of speakers, the five minute period shall be shared between them. In such circumstances, speakers are encouraged to appoint a spokesperson, but if no spokesperson is nominated, the speakers will be heard in the order in which they have registered until the five minute period has elapsed.
- 10.5 Where there is more than one Ward Councillor speaking:
- 10.5.1 where they each seek the same outcome, they will share a speaking time of five minutes;
- 10.5.2 where they seek a fundamentally different outcome, each speaker or group will be allowed five minutes.
- 10.6 When there is a linked application (for example, in the case of linked applications for planning permission and listed building consent on the same property), they will generally be treated as one agenda item such that speakers may only speak once.
- 10.7 Any material (plans, photographs, documents, etc) that a speaker wishes to refer to must have been provided to Planning Officers at least five Clear Working Days before the Meeting (Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002) and otherwise no such material may be produced or referred to at the Meeting.

## 11 Meeting Procedure – Order of Representations etc

- 11.1 The following procedure shall apply in respect of each item as relevant in the circumstances (but the Meeting Chairman may change the order at their discretion, or invite any representative to clarify a factual issue at any time):
- 11.1.1 introduction of item by Officers;
  - 11.1.2 representations by Parish/Town Council representative(s);
  - 11.1.3 Members' questions to Parish/Town Council representative(s);
  - 11.1.4 representations by Adjoining Parish/Town Council representative(s) (where agreed by the Meeting Chairman);
  - 11.1.5 Members' questions to Adjoining Parish/Town Council representative(s);
  - 11.1.6 representations by objector(s);
  - 11.1.7 Members' questions to objector(s);
  - 11.1.8 representations by supporter(s);
  - 11.1.9 Members' questions to supporter(s);
  - 11.1.10 representations by applicant or agent;
  - 11.1.11 Members' questions to applicant or agent;
  - 11.1.12 representations by Adjoining Ward Councillor(s);
  - 11.1.13 Members' questions to Adjoining Ward Councillor(s);
  - 11.1.14 representations by Ward Councillor(s);
  - 11.1.15 Members' questions to Ward Councillor(s);
  - 11.1.16 Members' questions to Officers.
- 11.2 Questions raised as part of the above process may only seek to clarify a statement made and not to introduce new business.

## 12 Meeting Procedure – Debate and Decision

- 12.1 Once all submissions and questions have been dealt with, Committee Members shall then debate the application.
- 12.2 For the avoidance of doubt, subject to the Councillors' Code of Conduct, Ward Councillors on Planning Committees may take part in the debate and/or vote on an application affecting their Ward.
- 12.3 At any stage of the debate, a Member of the Committee may propose that the Committee approve or refuse an application before it (a "Proposal"), and:
- 12.4 where the Proposal is for refusal, must provide clear reasons for a decision to refuse planning permission, particularly when the recommendation is contrary to the advice of Officers;
  - 12.5 where the Proposal is for approval, either:
    - 12.5.1 adopt Officers' suggested planning conditions ("Conditions") (where Officers have recommended approval); or
    - 12.5.2 propose Conditions with reasons (where Officers have recommended refusal); or
    - 12.5.3 suggest amendments to, or additional, Conditions with reasons (including removing such).
- 12.6 Any Proposal must be formally seconded to proceed.

- 12.7 At any stage of the debate any Committee Member (including the Proposer and Seconder) may:
  - 12.7.1 seek Officers' guidance as to the wording of a Proposal or Condition or a reason for refusal (or any other issue affecting the matter being considered);
  - 12.7.2 propose an amendment to a Proposal (eg adding a fresh Condition or a fresh reason for refusal) and, if the Proposer and Seconder agree, the Proposal shall be amended accordingly.
- 12.8 The making of a Proposal shall not necessarily halt debate – the Meeting Chairman shall decide when the debate has concluded and when a vote is to be taken.
- 12.9 Once the Meeting Chairman decides that the debate has concluded they will:
  - 12.9.1 seek a Proposal if none has yet been put; and
  - 12.9.2 put the Proposal to the vote; and
  - 12.9.3 if the Proposal is not carried, seek (an) alternative Proposal(s), such that the application before the meeting is determined.