

Public Document Pack

Date of meeting Tuesday, 31st March, 2015
Time 7.00 pm
Venue Council Chamber, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Julia Cleary

Supplementary Planning Committee

AGENDA

PART 1 – OPEN AGENDA

20 Review of Public Speaking Protocol, Site Visit Protocol and (Pages 3 - 24)
withdrawal of call-in procedures

Members: Councillors Baker (Chair), Mrs Bates, Becket, Mrs Braithwaite, Cooper,
Mrs Hambleton, Mrs Heesom, Miss Mancey, Northcott, Proctor (Vice-Chair),
Miss Reddish, Mrs Simpson, Waring, Welsh and Williams

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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REPORT TO THE PLANNING COMMITTEE

31st March 2015

PUBLIC SPEAKING, SITE VISIT PROTOCOL AND CALL-IN WITHDRAWAL REVIEW

Purpose of the Report

To enable members to review these procedures, in the light of the request of Cabinet as contained within the Action Plan adopted after the Planning Peer Review

Recommendation

That Officers draw up in consultation with the Chairman, revised procedures taking into account the changes recommended in the report below and any other changes agreed by the Planning Committee

Reasons

To ensure that the Planning Committee's procedures remain fit for purpose

1. Background

- 1.1 Arising out of the recommendations to the Council the Planning Peer Review Team the Action Plan agreed by Cabinet requires that the Planning Committee review its public speaking arrangements, guillotine on late representations, the site visit protocol and withdrawal of call in procedures (Action 9(b)). This report is submitted to facilitate such a review by the Planning Committee, which is responsible for these matters.
- 1.2 In July 2008 the Planning Committee agreed to a package of measures entitled "Reforms to Planning Procedures" of which arrangements for public speaking at the Committee, and withdrawal from the Planning Committee of "called-in" application were part of. At the same time the Committee agreed to a guillotine on late representations and the submission of amended plans, and a policy voting on planning applications where a site visit had been held.
- 1.3 The Committee at the same time agreed that the changes should be reviewed by the Planning Committee within a 6 month period.
- 1.4 On the 9th September 2008 the Planning Committee agreed a revised site visit protocol
- 1.5 At its meeting on 30th September 2008 the Committee considered and agreed a requested amendment to the Committee's protocol on public speaking.
- 1.6 At its meeting on the 21st April 2009 the Committee agreed, having considered a detailed report, that the current procedures for the operation of the Planning Committee be continued.

2. Context for the Review

2.1 The Planning Review Team in their report of August 2014 considered the planning committee “*displays a number of strengths*” and they recommended that the Council should “*build on these to improve councillor engagement and decision making further*”. They noted that “*the operation of the Planning Committee is governed by a clear code of conduct and relevant protocols....public engagement in decision making is high with large number often attending planning committee to hear the debate and applicants and objectors taking advantage of public speaking opportunities...*”

2.2 The Council is reviewing its Statement of Community Involvement. A Council’s Statement of Community Involvement (SCI) describes how the community within a local authority area can get involved in the creation of both plan-making and decision-taking. In October 2014 Cabinet approved the Draft Newcastle-under-Lyme and Stoke-on-Trent SCI for public consultation purposes, to replace the Borough’s current Statement of Community Involvement adopted in 2006. A six week public consultation exercise took place between 10 November and 19 December 2014. The results of this consultation will be reported to a future meeting of Cabinet, after the views of the Planning Committee have been obtained, on the proposed response of the Council to the comments received on the Draft.

2.3 Some comments have been made, in response to the invitation to comment about the draft SCI, about the operation of the Planning Committee’s guillotine on late representations and it is considered that the appropriate time for the Planning Committee to give full consideration to these particular comments is when it considers the Statement of Community Involvement.

2.4 No comments were received, in the context of the consultation on the draft Statement of Community Involvement, on the Committee’s public speaking arrangements (which are described in general terms in the draft Statement of Community Involvement or on its site visit procedures. Were the Committee to make significant changes to those aspects of these procedures which relate to community involvement it might be necessary, in the context of the preparation of the SCI, to undertake further consultation.

3. **Public Speaking, or Direct Representation to Planning Committee, arrangements**

3.1 The existing arrangements are set out in Appendix A

3.2 With respect to the opportunity to make direct representations to the Planning Committee, it is worth commenting that there have been no comments received concerning this policy/procedure during the consultation on the draft Statement of Community Involvement. This suggests that the procedure is broadly accepted by all parties. There have upon occasion been complaints regarding certain aspects of the procedure over the years, including ones made under the Council’s corporate complaints procedure. No findings of maladministration by the Local Government Ombudsman with respect to either the procedure or its operation have been made.

3.3 There are considered to be a number of aspects which might benefit from review and clarification, and which have thrown up issues of interpretation which have had to be resolved by the Chairman of the Committee since its original adoption by the Committee in 2008, and its confirmation in 2009

a) **Should all live applications that come before the Planning Committee be subject to the right to request to speak?** Currently if following an initial determination (by the Committee) of an application, either a lack of progress on the securing of planning obligations, or a submission that obligations render a proposal unviable, or a change in planning circumstances results in an application coming back to the Committee for reconsideration, contributors are not invited to indicate whether they wish to address the

committee. Indeed some unsolicited requests (to speak) have been refused. This practice is known to be of concern to some applicants who might for example wish to address the Committee directly about section 106 requirements.

One of the fundamental tenets of the existing scheme is that it provides an even handed opportunity (to both supporters and objectors) to request to speak. Offering such a right to objectors in such circumstances would be likely to lead to representations being made at the Committee by parties that might well be unhelpful to the Committee, in that they would be inviting members of the Committee to reopen issues that should not be reopened, because of the determination already made. Officers would then have to advise members to ignore the representation, to the frustration of all parties.

Your officer's recommendation is that existing practice is appropriate and the scheme should not be amended, other than to clarify and confirm this practice

- b) **Should public speaking be invited when subsequent to a grant of permission, an informal request, to reconsider Section 106 requirements and triggers, is being considered by the Planning Committee?** In that this process could, and often has happened some considerable time after the original decision, it would be difficult to contact interested parties and maintain the even-handed aspect of the existing scheme. If an applicant wishes to secure a right to make a direct representation to the Planning Committee they can achieve that by making a formal application.
- c) **Should Parish and Town Councils be able to address the Planning Committee in their own right?** Newcastle's procedure provides the right only to applicants, their agents, and third parties, it does not permit any consultee, including Parish and Town Councils, to address the Planning Committee. The basis for this appears to have been that the views of consultees are already set out in reports and specifically ascribed to those bodies. That the Planning Committee has on occasion asked that a representative of the highway authority attend is not seen to have established a precedent as it is their technical guidance is being sought in those cases. Parish and Town Councils can however be considered to differ from other consultees in that they have a democratic representative role for their areas. It is known that some, but certainly not all, other Planning Committees do provide a specific slot for Parish and Town Councils in their public speaking arrangements. These include both County Councils (who consider relatively few applications) but also District Councils. The length of permitted speeches per speaker in those cases ranges from 3 minutes to 10 minutes.

Your officer's observation would be that in practice office bearers of affected Parish Councils are quite commonly addressing the Planning Committee with respect to applications, and indicating that they are speaking on behalf of both themselves and their Council. However the present procedure allows for a measure of evenhandedness to be maintained (with generally one objector and one supporter speaking. If the opportunity (to make direct representations to the Planning Committee) was provided to Parish Councils it could be said to be logical to provide the same opportunity to the Chair of the relevant Locality Action Partnership (at least in unparished areas) as well. Bearing in mind how in practice the system currently works, your officer would venture to suggest that changing it to expressly provide Parish Councils with an additional slot, with the associated extra time, is probably unnecessary, and undesirable if it was to result in a requirement to reduce the maximum allowable length of speech (currently 5 minutes).

- d) **Should County Councillors have the right to address the Planning Committee?** – The existing protocol allows for "councillors for the ward where the application has been made" to address the Planning Committee. Your officers have always interpreted this as referring to Borough Councillors who are not on the Planning Committee rather than County Councillors,

or indeed Parish Councillors, but it could and has been considered to be ambiguous. Given the potential consequences in terms of the length of the public speaking section of the meeting, it is recommended that the protocol be amended to make the position very clear – that the elected member right to address the meeting is for Borough Councillors only.

- e) **Should public speaking be allowed when the Borough Council is only a consultee, rather than the determining Planning Authority?** There have been several occasions since the introduction of Public speaking at the committee when in relation to a consultation the Chair of the Committee has indicated that they wish the Committee to hear from either applicants or more commonly representatives of local action groups opposed to the proposal being consulted upon. When it is undertaking a consultee role, the Borough Council does not invite comment from either members of the public or consultees upon the application (and indeed to do so would be likely to cause unnecessary and unhelpful confusion amongst members of the public who should be encouraged to direct their views to the decision maker). The right to request to address the Committee directly flows, in the Council's scheme, from having made a representation or submission. The Borough Council has no record of who has made representations concerning an application being determined by another Council so in practical terms the public speaking arrangements cannot be made to work in such a situation, or if they were only with the cooperation of the Local Planning Authority, which cannot be assumed.

Even if such information could be obtained for the Authority then to write to such parties providing them with sufficient opportunity to request to speak would be demanding both in terms of time (the usual notification is based upon a database built up during the course of the application). It is questionable whether it is an appropriate use of public funds, bearing in mind that the third parties and the applicant/agent will almost certainly have an opportunity to make direct representations to the actual decision-maker. That the Borough Council is fulfilling a different role in such cases and is not the decision maker should, it is suggested, be directly reflected, in the lack of opportunity for third parties and the applicant/agent to make direct representations to the Planning Committee. It is recommended that this position be made clear in the revised protocol

- f) **Does it matter if two speakers “share” a speaking slot (as has been done in several cases)?** Provided the time limit is respected there is no particular reason why, if the party wishes it, they should not “share” a speaking slot. It is recommended that this position be made clear in the revised protocol
- g) **If the number of speakers increases, beyond 3 should there be a related reduction in the length of time each is permitted?** In theory with multi member wards, the possibility that none of the members concerned are on the Planning Committee, 3 elected members could chose to speak, providing a total of 5 speakers, and thus 25 minutes speaking time under the current 5 minute limit. In practice this situation has never arisen the elected members presumably appreciating that 3 similar contributions each of 5 minutes would try the patience of the Committee. It is considered that it would be most inappropriate to reduce the applicant/agents speaking opportunity anyway
- h) **The current arrangement does not permit Members of the Committee to ask questions of any of the speakers. Is there any wish to change this.?** In that there is no evidence that the existing procedure is not assisting members to make decisions, it is suggested that there be no change to the existing procedures

4. **Site visit procedures and voting on applications which have been the subject of a site visit**

4.1 As indicated the Councils' protocol for site visits of the Planning Committee was last reviewed in 2008. A copy of the protocol is attached as Appendix B. The protocol has been developed out of years of experience with the types of issues that occur at such site visits, and no proposals for changes are suggested by officers, the procedure being considered to be fair provided the protocol is strictly applied. The observer status of parish Councils should be included in any revised protocol (it being referred to in the existing Planning Committee members protocol/code of conduct). A review of the latter is due to come forward later this year, but the observer status for Parish Councils is a useful method of demonstrating transparency and fairness in the Committees' procedures, and is understood to be appreciated by those Parish Councils that have been involved in committee site visits.

4.2 Given that they will have the opportunity to address the Planning Committee it is recommended the Protocol also be amended to indicate that local members who are not on the Planning Committee should be informed of such visits and invited to attend, as observers. That this is not currently the case has been a matter of concern for at least one member.

4.3 The decision (Appendix C) in July 2008 by the Committee that in the event of a Planning committee site visit being held those members who have not taken part in site visit may participate in the debate on the item has had consequences. Although considerable advance notice is given each year of potential site visit dates, (by the committee agreeing to an annual list of dates), some members have considered themselves to have been disadvantaged by a decision of the Committee to undertake a site visit. However the important principle behind the policy is that all members making a decision should have the same information, and thus if a site visit takes place, such a policy is required.

4.4 A member can of course have an impact upon a decision even if they are not able to take part in the actual vote. They can urge their colleagues to make a certain decision, knowing that they will not be able to be held accountable for that decision as they will not actually be party to it. As already indicated ward members who are not on the Planning Committee are in almost the same position, and the principle outlined above is considered of overriding importance.

4.5 A side consequence of the policy is that attendance at site visits is higher than it was prior to the introduction of the policy

4.6 The physical challenges posed by some site visits, particularly in rural areas, has been an issue, but your officers have generally been able, with the cooperation of the applicant, find solutions to these issues and take into account mobility issues. It would be unfortunate if such issues prevented site visits being held, when the circumstances are that they can be of assistance to the Committee.

4.7 The policy does not at present require members to stay throughout the duration of the site visit (to be able to subsequently vote). It is recommended that this be amended

5. **Withdrawal from the Planning Committee of "calledin" applications**

5.1 Your officers have no particular proposals to amend this procedure (details of which are set out in Appendix D), other than it should expressly allow for the use of email (which in practice is the only possible way in which it can be guaranteed that members will be provided with a genuine opportunity to consider the draft report). There would be a concern about being too specific about timelines, given the pressure to get items onto an agenda

Public Speaking

Public representations are allowed at the Development Control meetings of the Newcastle-under-Lyme Borough Council Planning Committee subject to the following regulations. In cases where a planning application is brought to full council, the same rules concerning the *supporter* and the *objector* shall apply as would for a meeting of the Planning Committee.

1. Those allowed to speak.

Apart from members of the Planning Committee, the following are allowed to make a representation at the relevant Planning Committee meeting:

- a. Councillors of the ward where an application has made.
- b. One *supporter* of, and one *objector* to, any given application, save those listed as excluded in paragraph 9 below.

- (i) A *supporter* of an application is defined as a person who has made a submission in writing concerning an application prior to notifying the council of a wish to make an oral representation on that application to committee. The applicant regardless of whether or not they have used an agent to submit an application will be taken to have made such a submission. A person or agent speaking on behalf of such a person is also capable of being considered to be a *supporter*
- (ii) An *objector* to an application is defined as a person who has made a submission in writing about an application prior to notifying the council of a wish to make an oral representation about that application to the committee. A person or agent speaking on behalf of such a person is also capable of being considered to be an *objector*

If more than one request to make a representation in favour or against an application is made, it is requested that potential supporters/objectors determine among themselves who is to speak. If agreement cannot be reached, the individual who made the earliest written representation to the council shall be given the right to speak. In the case of supporters, if the applicant or his agent indicates a wish to speak, the right to speak shall be given to that person.

2. Requests to speak

Requests to speak must be made no later than the end of business three working days before the advertised Planning Committee/Full Council meeting whose published agenda contains the application concerned.

This request must be made in writing or sent via email to the Senior Planning Officer of the Council.

The request must list the specific agenda item on which the representation is to be made and indicate whether the speaker wishes to be the *supporter* or *objector*.

Attention is drawn to sections 1.b (i) & (ii) above.

On receipt of an application, the council shall inform the applicant whether his application has been successful. If prior applications have been made, a contact address/telephone number of such applicants will be made available in order that those applying may come to an agreement about who shall speak.

3. Attendance

The *supporter* and *objector* must arrive at the Civic Offices 30 minutes prior to the beginning of the relevant Planning Committee/Full Council meeting and make themselves known to the Planning Committee chairman/Mayor or the senior officer present at the meeting. Failure to do so will forfeit the right to make a representation.

The *supporter* and *objector* will be invited into the chamber when the application with which they are concerned is about to be considered by the committee/council. After their respective representations they will be asked to leave the chamber. They may retire to the public gallery.

Normally it will be expected that the Planning Committee will move items where either/or a *supporter* and *objector* wish to make representations to the head of the agenda

4. Nature of representations

Ward councillors, the supporter, and the objector may make an oral representation to the committee. This oral representation is the sum of representation permitted.

No facilities for the projection of any material will be made available.

No material may be circulated or distributed to members of the committee by ward members, the *supporter*, or the *objector*.

It is not permitted for officers or committee members to question those making representations,

5 Length of representations

Ward councillors, the *supporter*, and the *objector* will be given 5 minutes to make their representations.

They shall be advised by the chairman of the meeting when four minutes have elapsed.

6 Content of representations

Representations must be made in a seemly manner. Failure to conduct oneself in this way will forfeit, *immediately*, the right to speak.

Under no circumstances must personal, malicious or frivolous remarks, insults, or libellous comments be made. These will *immediately* forfeit the right to speak

Speeches should address material planning concerns. Those who are unsure of these are strongly advised to seek advice in advance of speaking.

Speeches should address issues directly concerned with the specific application under consideration.

Speaking from notes is permitted. However in no circumstances will more than five minutes for a representation be granted.

Ward councillors, the *supporter*, and the *objector* may not ask direct questions of the committee or Council Officers, though they may suggest questions that members of the committee may feel ought to be put to officers.

7 Procedure

Each item on any given Planning Committee agenda shall be dealt with in the following sequence:

- i. The officer's report on the item
- ii. Ward members' representations (if any)
- iii. The *Objector's* representation (if any)
- iv. The *Supporter's* representation (if any)
- v. Comments by officers on the objector's/supporter's representations
- vi. Debate of the item by the Committee and its determination.

8 Deferrals

If an item is deferred, the *supporter* and the *objector* at the initial debate shall have the right to make representations at the meeting when the item is debated once more.

9 Exclusions

No public representations shall be permitted on items dealing with the following:

Any item included in the closed section of any agenda: namely items subject to the paragraphs 1, 2 and 6 in Part 1 of Schedule 12A of the Local Government Act 1972, or successor legislation.

Planning Enforcement matters

Proposed litigation

Financial interests or other member interests

Matters delegated to officers of the Council

**NEWCASTLE UNDER LYME BOROUGH COUNCIL
PLANNING COMMITTEE
SITE VISIT PROTOCOL**

At its meeting of the 9th September 2008 the Council adopted the following protocol:-

- 1. Site visits are to be undertaken only where there is a clear and substantial benefit to the determination of the application. The member moving the visit should indicate this clearly at Committee or in writing when moving the vote for a visit. These reasons will be recorded in the minutes**
- 2. Information will be provided to members on safety issues. Only those members who are properly equipped with the necessary protective clothing should attend site visits. Third parties should only be allowed on to a site if the applicant/owner agrees to it and the Chair is generally satisfied about the safety risks they may be under. Where a landowner is unwilling to permit third parties to enter his land, members should enter either in the absence or any party other than their officer, or at least unaccompanied by the applicant, so as to avoid allegations about private lobbying or conversations**
- 3. Members should not enter on the site until there is a quorum of at least 4.**
- 4. Members should leave the site together.**
- 5. Officers will give a brief factual presentation explaining the application, site details and other relevant information. Officers should focus upon an explanation of the proposals by reference to any submitted drawings, and the highlighting to members of key features of the site/building/adjoining land and the pointing out and accompanying of members to relevant viewpoints and members should confine themselves to strictly factual questions, having regard to the fact that it is a site visit rather than a site meeting and they should accept the rulings of the Chair on such matters.**
- 6. No submissions by persons other than members of the Committee and the officer will be permitted at the site visit.**
- 7. Officers will briefly record the relevant issues arising at the site visit that are not otherwise included in the committee report and these will be reported at the relevant meeting.**
- 8. There should be no discussion of the merits or otherwise of the case. The proper place for discussion is at Committee to allow all members to participate in informed discussion.**

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*Printed for information

PLANNING COMMITTEE

8 July 2008

Present:- Councillor Fear in the Chair

Councillors Mrs Beech, Mrs Burke, Miss Cooper, Daniels, Mrs Heames, Huckfield, MacMillan, Maskery, Mrs Morris, Mrs Moss, Miss Reddish, Mrs Salt, Studd, Tagg, Tomkins and Williams

Councillor Gorton in attendance during consideration of planning application 08/358/REM only.

180. * **MINUTES OF PREVIOUS MEETINGS**

Resolved:- That the minutes of the meetings of this Committee held on 7 May and 29 May 2008 be approved as correct records.

181. * **CERTIFICATE OF APPROPRIATE ALTERNATIVE DEVELOPMENT
LAND NORTH OF KEELE ROAD, KEELE
MR A WITHEY. 08/250/AAD**

Resolved:- (a) That the Certificate be issued as it is the opinion of the Local Planning Authority that planning permission would have been granted for the following development, in addition to the development for which the land is to be acquired, if it were not proposed to be acquired by the Authority possessing compulsory purchase powers:-

- (i) A golf course.
- (ii) A golf driving range.
- (iii) A cricket ground or football club with ancillary buildings.

(b) That the applicant be advised that planning permission would have been granted for the above development subject to the following conditions:-

- (i) Prior approval of engineering works to form the golf course or driving range, such works to be minimal and which would not erode the landscape quality in this Green Belt location and within an Area of Landscape Maintenance. All engineering works to be carried out in accordance with the approved plans.
- (ii) Prior approval of the means of access to the site, and if such an access is off the A525 the access shall be designed in such a way as to minimise the visual impact of the engineering works required to ensure that it would not erode the landscape quality in this Green Belt location and within an Area of Landscape Maintenance. The access to be provided in accordance with the approved plans prior to the use commencing.
- (iii) Prior approval of any associated buildings, any buildings proposed to be of a small scale and only provide essential facilities to ensure that such buildings are appropriate in this Green Belt location. Any buildings to be built in accordance with the approved plans.

- (iv) Prior approval of any associated car parking facilities which shall be of a small scale to ensure that such facilities are appropriate in this Green Belt location. The car parking to be provided in accordance with the approved plans prior to the use commencing.
- (v) Prior approval and implementation of a scheme of landscaping.
- (vi) Prior to the commencement of the development submission of existing levels of the site.
- (vii) No material to be exported from the site without the prior written consent of the LPA.
- (viii) Tree protection measures.

(c) That the applicant be advised that planning permission would not have been granted now or in the future for the following uses:-

- (i) A garden centre.
- (ii) Residential development.
- (iii) A business use.
- (iv) A residential institution.

182. * **RESIDENTIAL DEVELOPMENT (20 DWELLINGS)
FORMER FORGE GARAGE, 320 SILVERDALE ROAD, SILVERDALE
MR N WHITELEY. 08/358/REM**

Resolved:- That reserved matters approval be granted subject to the undermentioned conditions:

- (i) Approval to be linked to the outline permission.
- (ii) Highways matters.
- (iii) Approval of surfacing materials.
- (iv) Approval of boundary treatments.
- (v) Refuse storage and collection arrangements.
- (vi) Approval of the Surface and Foul drainage.
- (vii) Tree protection measures.
- (viii) Implementation of the landscaping scheme.
- (ix) Approval of details of a management plan for the areas of landscaping not within the private gardens of the proposed dwellings and including the management of the brookcourse.

183. * **REMOVAL OF CONDITION B24 AND VARIATION OF CONDITION B16
ATTACHED TO PLANNING PERMISSION 06/337/OUT FOR ENGINEERING
AND REMEDIATION WORKS IN PREPARATION FOR REDEVELOPMENT
FOR HOUSING, COMMUNITY USES AND GREEN SPACE FOLLOWED BY
ERECTION OF BUILDINGS FOR RESIDENTIAL AND COMMUNITY USES.
FORMER SILVERDALE COLLIERY, SCOT HAY ROAD, SILVERDALE
ENGLISH PARTNERSHIPS. 08/435/OUT**

During the discussion on this application it was indicated that the applicant had withdrawn the application to remove condition B24.

Resolved:- (a) That subject to a S106 obligation being completed by 21 August 2008 to secure an appropriate financial contribution towards improvements in public transport off site:-

Permit the application and vary condition B16 (iv) of planning permission 06/337/OUT to read as follows:-

“The provision of bus stops within the development site and the means of providing footway/footpath connections between the dwellings and the bus stops.”

(b) That the variation of condition B16(iv) be subject to all other conditions attached to 06/337/OUT remaining the same.

(c) That failing the securing of the above S106 Obligation by 21 August 2008, the Development Control Manager be authorised to refuse the application on the grounds that without such an obligation the development would fail to achieve the required level of sustainability and would be contrary to relevant policies within the development plan and national guidance.

184. * **REAR EXTENSION AND DETACHED GARAGE/GARDEN ROOM
189 NANTWICH ROAD, AUDLEY
MR M COLCLOUGH. 08/343/FUL**

Resolved:- That the application be permitted subject to the undermentioned conditions:

- (i) Materials to match the existing dwelling.
- (ii) The removal of permitted development rights.

185. * **REAR CONSERVATORY
17 MEYNELLFIELDS, LOGGERHEADS
MR L SHEPHERD. 08/346/FUL**

Resolved:- That permission be granted subject to the removal of permitted development rights.

186. * **DEVELOPMENT CONTROL AND ENFORCEMENT PERFORMANCE REPORT
2007-2008**

Consideration was given to a report setting out the Performance Indicators for the Development Control and Enforcement Services for 2007/08.

Resolved:- (a) That the Executive Director (Regeneration and Development) and Service Manager continue to operate mechanisms to maintain and improve the service provided for those procedures where performance levels still need to be addressed.

(b) That the next ‘Mid-Year Development Control and Enforcement Performance Report’ will be submitted to Committee around November/December 2008. This report will contain figures for all Performance Indicators being monitored during 2008/09, including those contained in the new National Indicator set, and will report on the ‘actual’ figures achieved for the first half of the year against the targets set where applicable and where possible. Predicted results for the complete financial year 2008/09 will be forecast and appropriate targets will be set for 2009/10, 2010/11 and 2011/12.

187. * **THE 2006/07 BEST VALUE CUSTOMER SATISFACTION SURVEY – BVII**

Consideration was given to a detailed report setting out the results of a survey undertaken by the Council to evaluate the quality of its Planning Service during 2006/07.

The survey established the percentage of applicants satisfied with the service which, in turn, had been used to prepare Best Value Performance Indicator BVIII.

The areas of the service where improvement needed to be made were identified in the report and recommendations for action, numbered 1 to 17, made as appropriate.

Resolved:- That the report be received and recommendations 1 – 17 contained therein be adopted.

188. * **2007/08 CUSTOMER SATISFACTION SURVEY (CONTRIBUTORS)**

Consideration was given to a comprehensive report setting out the results of a survey of applicants, agents and of those who had made comments either for or against a proposal for planning permission in 2007/08.

The structure of the survey was different to that used for previous applicants and agents surveys in that recipients had been asked a series of questions in order to ascertain how satisfied they were with various aspects of the service and about the importance they attached to each aspect. A weighting had then been applied so that responses relating to the more important aspects had more of a bearing on the overall satisfaction score and the subsequent focus on improvements could be steered towards principal areas where it was felt that the service fell short of expectation.

Accordingly, for the future the results of this survey for 2007/08 would act as a baseline and steer resources to the areas considered to be most in need of improvement.

Resolved:- That the report be received and recommendations 1 – 10 contained therein be adopted.

189. * **TOWN HOUSE, 14 STATION ROAD, MADELEY (08/09004/HBG)
APPLICATION FOR FINANCIAL ASSISTANCE – HISTORIC BUILDINGS
GRANT
CONSERVATION AND HERITAGE FUND**

Consideration was given to an application for financial assistance from the Conservation and Heritage Fund towards the cost of re-roofing this Grade II Listed Building with Staffordshire clay tiles.

The total cost of the works was reported to be £16,680 towards which a maximum grant of £3,336 could be awarded.

Resolved:- That a grant of £3,336 be approved subject to the appropriate standard conditions.

190. * **APPEAL DECISION – CONVERSION OF BARN INTO A SINGLE DWELLING AT ROOK HALL FARM, TRENTHAM ROAD, BUTTERTON MR S ELLIS**

It was reported that an appeal lodged with the Planning Inspectorate in respect of the Council's decision not to grant planning permission for the above development had been dismissed.

Resolved:- That the information be received.

191. * **PLANNING COMMITTEE – PROCEDURAL REFORMS**

Consideration was given to proposals put forward by Councillors Fear and Studd recommending procedural changes to the way in which Planning Committee and its site visits were conducted to achieve greater efficiency and transparency.

The proposed changes related to:

- (i) Operation of a guillotine for representations/amendments of submitted plans.
- (ii) Public speaking at Planning Committee.
- (iii) Withdrawal from the Planning Committee of "Called-in" applications.
- (iv) Voting on Planning Applications where a site visit has been held.

The proposal concerning the operation of a guillotine for representations was considered in conjunction with the supplementary report prepared by the officers which had been circulated to Members before the meeting.

Consideration of (i) to (iv) above was also undertaken in conjunction with a separate supplementary report that had been prepared by the officers dealing with the implications of introducing these initiatives.

Resolved:- (a) That the proposed procedural changes be supported as set out below:

(i) Guillotine for representations/amendment of submitted plans

For any application brought to the Planning Committee for determination the following rules shall apply –

- (a) In order to allow the Council Officers to be able to give a considered response, there will be a cut-off date at the close of business four working days prior to the meeting where an application is to be determined for any representations made about said applications, save for representations made by the Council's statutory consultees.
- (b) In order that due consideration be given to an application, and that time for reflection on it be available to committee members, no alteration is permitted to plans submitted for determination from the close of business four working days prior to the meeting where the application is to be determined.

(ii) **Public Speaking**

Public representations are allowed at the Development Control meetings of the Newcastle-under-Lyme Borough Council Planning Committee subject to the following regulations. In cases where a planning application is brought to full Council, the same rules concerning the *supporter* and the *objector* shall apply as would for a meeting of the Planning Committee.

1. Those allowed to speak

Apart from Members of the Planning Committee, the following shall be allowed to make a representation at the relevant Planning Committee meeting:

- a. Councillors of the ward where an application has been made.
- b. One *supporter* of, and one *objector* to, any given application, save those listed as excluded in paragraph 9 below.

(i) A *supporter* of an application is defined as a resident of the Borough who has made a submission in writing concerning an application prior to notifying the council of a wish to make an oral representation on that application to committee. The applicant speaking *in person* is entitled to be the *supporter* regardless of domicile.

(ii) An *objector* to an application is defined as a resident of the Borough who has made a submission in writing about an application prior to notifying the Council of a wish to make an oral representation about that application to the Committee.

If more than one request to make a representation in favour or against an application is made, it is requested that potential supporters/objectors determine amongst themselves who is to speak. If agreement cannot be reached, the individual who made the earliest written representation to the Council shall be given the right to speak. In the case of supporters, if the applicant indicates a wish to speak, the right to speak shall be given to the applicant.

2. Request to speak

Requests to speak must be made no later than the end of business three working days before the advertised Planning Committee/Full Council meeting whose published agenda contains the application concerned.

This request must be made in writing or sent via email to the Senior Planning Officer of the Council.

The request must list the specific agenda item on which the representation is to be made and indicate whether the speaker wishes to be the *supporter* or *objector* as defined in b(i) and b(ii) above.

3. Attendance

The *supporter* and *objector* must arrive at the Civic Offices 30 minutes prior to the beginning of the relevant Planning Committee/Full Council

meeting and make themselves known to the Planning Committee Chair/Mayor or the senior officer present at the meeting. Failure to do so will forfeit the right to make a representation.

The *supporter* and *objector* will be invited into the chamber when the application with which they are concerned is about to be considered by the Committee/Council. After their respective representations they will be asked to leave the chamber. They may retire to the public gallery.

Normally it will be expected that the Planning Committee will move items where either/or a *supporter* and *objector* wish to make representations to the head of the agenda.

4. Nature of representations

Ward councillors, the supporter, and the objector may make an oral representation to the committee. This oral representation is the sum of representation permitted.

No facilities for the projection of any material will be made available.

No material may be circulated or distributed to members of the Committee by ward members, the *supporter*, or the *objector*.

It is not permitted for officers or committee members to question those making representations.

5. Length of representations

Ward councillors, the *supporter* and the *objector* will be given 5 minutes to make their representations.

They shall be advised by the chair of the meeting when four minutes have elapsed.

6. Content of representations

Representations must be made in a seemly manner. Failure to conduct oneself in this way will forfeit, *immediately*, the right to speak.

Under no circumstances must personal, malicious or frivolous remarks, insults, or libellous comments be made. These will *immediately* forfeit the right to speak.

Speeches should address material planning concerns. Those who are unsure of these are strongly advised to seek advice in advance of speaking.

Speeches should address issues directly concerned with the specific application under consideration.

Speaking from notes is permitted. However in no circumstances will more than five minutes for a representation be granted.

Ward councillors, the *supporter* and the *objector* may not ask direct questions of the committee or Council Officers, though they may suggest questions that members of the committee may feel ought to be put to officers.

7. Procedure

Each item on any given Planning Committee agenda shall be dealt with in the following sequence:

- i. The officer's report on the item.
- ii. Ward members' representations (if any).
- iii. The *Objector's* representation (if any).
- iv. The *Supporter's* representation (if any).
- v. Comments by Officers on the *Objectors/Supporters* representations.
- vi. Debate on the item by the Committee and its determination.

8. Deferrals

If an item is deferred, the *supporter* and the *objector* at the initial debate shall have the right to make representations at the meeting when the item is debated once more.

9. Exclusions

No public representations shall be permitted on items dealing with the following:

Any item included in the closed section of any agenda: namely items subject to the paragraphs 1, 2 and 6 in Part 1 of Schedule 12A of the Local Government Act 1972, or successor legislation.

Planning Enforcement matters.
Proposed litigation
Financial interests or other member interests.
Matters delegated to officers of the Council.

(iii) Withdrawal of Call-In Requests

Members can at any time withdraw, in writing or via email, a call-in request made by themselves on any application.

All members who called in the application must sign the withdrawal notice and give their reasons for withdrawing the call-in.

Once the finalised officer recommendation on a called-in application has been decided, a letter will be sent immediately by first class post to the members who have called in the application.

If the withdrawal request is made prior to the publication of the Committee agenda, the item will be removed from the list of items to be placed upon the agenda.

If a withdrawal request is received from a member or members after the Committee agenda is published, Committee will still determine the application, but the withdrawal will be reported orally to Committee.

(iv) Site Visits

In order that an application where a site visit has been held be determined by those with the fullest knowledge of the application the following rules shall apply:

1. The officer presiding over a site visit will take a formal list of members in attendance.
2. This list will be taken at the formal opening of the meeting.
3. When the application subject to the site visit is brought to the Planning Committee for determination, only members who are listed as having attended the site visit shall be eligible to vote upon its determination.
4. Members who did not attend the site visit shall be entitled to take part in the debate concerning the item's determination, but not vote upon that determination.

(b) That the proposals relating to the introduction of a guillotine be applied to planning applications received by the Council on or after 1 August 2008 and that the proposals for public speaking, withdrawal of call-in requests and site visits be also effective from 1 August 2008

(c) That all of the above procedural changes be reviewed by the Planning Committee six months after they came into force.

192. * DISCLOSURE OF EXEMPT INFORMATION

That the public be excluded from the meeting during consideration of the report (green paper) because it is likely that there will be disclosure of exempt information as defined in Paragraphs 1, 2 and 6 in Part 1 of Schedule 12A of the Local Government Act 1972.

193. * ENFORCEMENT REPORT

Consideration was given to a report updating Members on the position with regard to enforcement matters currently being pursued by the Council.

During consideration of the report Members expressed concern at the lack of progress made on a number of the matters contained therein.

Resolved:- That the information be received.

**A T FEAR
Chair**

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