

# Notice of Planning Committee

Date: Thursday, 30 May 2019 at 1.00 pm

Venue: Council Chamber, Civic Offices, Bridge Street, Christchurch  
BH23 1AZ



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## Membership:

**Chairman: To be appointed**

**Vice Chairman: To be appointed**

Membership as appointed at  
Council meeting on 21 May 2019

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All Members of the Planning Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to attend.

If you would like any further information on the items to be considered at the meeting please contact: Jill Holyoake, Telephone: 01202 454715 or email: [jill.holyoake@bcpcouncil.gov.uk](mailto:jill.holyoake@bcpcouncil.gov.uk)

Press enquiries should be directed to the Press Office: Tel: 01202 454668 or email [press.office@bcpcouncil.gov.uk](mailto:press.office@bcpcouncil.gov.uk)

This notice and all the papers mentioned within it are available at [democracy.bcpCouncil.gov.uk](http://democracy.bcpCouncil.gov.uk)

GRAHAM FARRANT  
CHIEF EXECUTIVE

21 May 2019



Available online and  
on the Mod.gov app



# AGENDA

Items to be considered while the meeting is open to the public

## 1. **Apologies**

To receive any apologies for absence from Councillors.

## 2. **Substitute Members**

To receive information on any changes in the membership of the Committee.

Note – When a Member of a Committee is unable to attend a meeting of the Committee, the relevant Political Group Leader (or their nominated representative) may, by notice to the Monitoring Officer (or their nominated representative) prior to the meeting, appoint a substitute Member from within the same Political Group. The contact details on the front of this agenda should be used for notifications.

## 3. **Declarations of interest**

Councillors are required to comply with the requirements of the Localism Act 2011 regarding disclosable pecuniary interests. Declarations received will be reported at the meeting.

## 4. **Election of Chairman of the Planning Committee**

Councillors are asked to elect the Chairman of the Planning Committee for the 2019/20 Municipal Year.

## 5. **Election of Vice-Chairman of Planning Committee**

Councillor are asked to elect the Vice Chairman of the Planning Committee for the 2019/20 Municipal Year.

## 6. **Public Issues**

To receive any public questions, statements or petitions submitted in accordance with the Constitution. Further information on the requirements for submitting these is available to view at the following link:-

<https://democracy.bcpccouncil.gov.uk/documents/s2305/Public%20Items%20-%20Meeting%20Procedure%20Rules.pdf>

The deadline for the submission of public questions is Wednesday 22 May 2019.

The deadline for the submission of a statement is 12.00 noon on Wednesday 29 May 2019.

The deadline for the submission of a petition is 12.00 noon on Wednesday 29 May 2019.

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|--|--------|
| <b>7. Protocol for Public Speaking at Planning Committee</b>   | 1 - 6  |
| To adopt a protocol for public speaking at Planning Committee. |        |
| <b>8. Planning Committee Site Visit Protocol</b>               | 7 - 12 |
| To adopt a protocol for site visits of the Planning Committee. |        |

No other items of business can be considered unless the Chairman decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

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## PLANNING COMMITTEE

|                            |  |
|----------------------------|--|
| Report subject             | <b>Protocol for Public Speaking at Planning Committee</b>  |
| Meeting date               | 30 May 2019  |
| Report author              | Tanya Coulter, Director, Law & Governance, and Monitoring Officer  |
| Contributors               | Democratic Services, Legal Services, Planning Services   |
| Wards                      | All Wards  |
| Status                     | Public Report  |
| Classification             | For Decision   |
| Executive summary          | <p>The Council's Constitution requires a separate protocol to be established for receiving public representations relating to matters considered by the Planning Committee.</p> <p>This report sets out a proposal for consideration by the Committee. The report puts forward a proposal for the number of speakers and length of time the Committee wishes to allow for this purpose. The report also asks the Planning Committee to consider whether it wishes to apply the same time allowance for ward councillors who may wish to speak.</p> <p>The report forms the basis of a protocol for public speaking at Planning Committee which, once agreed, will be published on the Council's website.</p> |
| <b>Recommendations</b>     | <b>The Committee is asked to consider Appendix 1 and agree the protocol for public speaking at Planning Committee as proposed, or make such amendments as the Committee considers appropriate.</b>   |
| Reason for recommendations | To ensure that the Planning Committee has appropriate arrangements in place to allow objectors and applicants/supporters to express their views on planning applications which are considered and determined at Planning Committee meetings.   |

## Background

1. The procedure for public questions, statements and petitions at meetings of the Full Council, Cabinet and Committees is set out in Appendix 6 of Part 4 of the Council's Constitution. Paragraph 5 of this Appendix states that: 'this procedure does not apply to Planning Committee, Licensing Committee or Appeals Committee. A separate protocol will be established for public representations relating to matters considered at these Committees, such protocol to be published on the website.'
2. The Constitution as it currently stands provides that the Planning Committee considers and determines applications as specified in Part 3.2 of the Constitution, including applications which have a significant impact on a wide number of businesses or people, those referred by Ward Councillors where the application is potentially contentious and raises material planning issues which would affect the wider public interest, and applications made by, or on behalf of senior Management and fellow Councillors. These applications are deemed to require a public debate of the issues relevant to the application.
3. In accordance with the practices of the three preceding authorities (that is, the former Bournemouth, Christchurch and Poole Councils) it is proposed to allow objectors and applicants/supporters the opportunity to address the Planning Committee. Arrangements for public speaking need to be clear, fair and equitable for each side. They should enable the Committee to be appraised of the main issues for and against an application from the public perspective while ensuring that the meeting runs in a focussed and efficient manner.
4. Practices in the preceding authorities have varied slightly in terms of the number of speakers and the amount of time allowed. These variances are typical across many other authorities in the region. The Planning Committee is asked to consider allowing five minutes for each side to speak, that is, five minutes for people wishing to speak against an application and five minutes for those in favour. Within each five-minute timeslot it is suggested that up to two people may address the Committee. (Where more than two requests are received people will be required to nominate up to two people to act as spokespersons.) The proposed time allowances and number of speakers aims to strike a balance between the practices of the preceding authorities and, more widely, those of other local authorities.
5. Ward Councillors can attend the Planning Committee meeting and ask to speak about planning applications in their Ward. Some local authorities include in their protocols a time allowance for Ward Councillors to do this. Where this practice applies, the time allowed is normally the same as for objectors and

applicants/supporters. In the interests of parity, it is suggested that the Planning Committee consider agreeing a five minute timeslot for ward councillors to speak.

6. Exceptionally in cases of significant major planning applications it may be considered appropriate to allow the parties to have a longer period to address the Committee so that the importance and complexity of the issues raised by the application can be covered. This is common practice and was applied in the three preceding authorities. In these cases it is suggested that the Chairman exercises discretion to increase time limits and the number of speakers, to be applied equally to each side. It is suggested that the Chairman agrees these arrangements in advance in consultation with Planning Services and Democratic Services so that sufficient notice can be given.

#### **Summary of financial implications**

7. There are no financial implications arising from this report.

#### **Summary of legal implications**

8. Although there is no legal requirement to allow public speaking at Planning Committees, most local authorities do so. Where it is allowed, failure to have clear protocols in place setting out the arrangements risks allegations of bias; portrays a lack of transparency, and could result in subsequent challenge to the decision-making process.

#### **Summary of human resources implications**

9. There are no human resources implications arising from this report.

#### **Summary of environmental impact**

10. There are no environmental impact implications arising from this report.

#### **Summary of public health implications**

11. There are no public health implications arising from this report.

#### **Summary of equality implications**

12. There are no equality implications arising from this report.

#### **Summary of risk assessment**

13. There are no risks arising from this report.

#### **Background papers**

[BCP Council Constitution](#)

#### **Appendices**

1. Protocol for Public Speaking at Planning Committee

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**PLANNING COMMITTEE**  
**PROTOCOL FOR PUBLIC SPEAKING**

**The following protocol for public speaking at the Planning Committee allows objectors and applicants/supporters to express their views on planning applications which are to be considered by the Planning Committee:**

1. Objectors and applicants/supporters who wish to speak at the Planning Committee must register their requests with Democratic Services by 12noon on the day before the meeting.
2. There will be a maximum of five minutes speaking time each side for objectors and for applicants/supporters, and up to two people may speak as an objector or as applicants/supporters.
3. If there are more than two potential speakers for either side, Democratic Services will ask those wishing to speak to appoint up to two representatives to address the Planning Committee.
4. A Parish or Town Council representative who wishes to speak must register as an objector or supporter and will be included in the above provisions for speaking, either as an objector or supporter.
5. Speaking must be done in the form of an oral statement, which should refer to planning related issues as these are the only matters the Committee can consider when making decisions on planning applications. Speakers must direct their points to reinforcing or amplifying the planning representations already made to the Council in writing. Guidance on what constitutes planning considerations is included at the end of this document. Speakers must take care not to make derogatory or defamatory statements.
6. Speakers who wish to submit written information, photographs or other information contained on a computer device to be circulated to the Committee, must provide this to Democratic Services by 12noon on the day before the meeting. Information provided after this time will not be circulated.
7. Speakers who wish to use presentation facilities when speaking must provide this electronically to Democratic Services by 12noon on the day before the meeting. Presentations provided on the day of the meeting will not be accepted.
8. The running order in which planning applications will be considered will be finalised and published online by Democratic Services as soon as possible after 12noon on the day before the meeting.
9. In considering each application the Committee will normally hear from people in the following order:
  - Presenting Officer(s)
  - Objectors
  - Applicant/Supporters
  - Ward Councillors

- Questions and discussion by Members of the Planning Committee, which may include points of clarification from Officers, leading to a decision.
10. There will be a maximum of five minutes speaking time for Ward Councillors to address the Planning Committee.
  11. Exceptionally, in cases of significant major planning applications the Chairman of the Planning Committee may exercise discretion to increase the speaking time allowed and the number of speakers, to be applied equally to objectors and applicant/supporters. Arrangements will be agreed in advance in consultation with Planning Services and Democratic Services.
  12. Please note that meetings of the Planning Committee are audio recorded by the Council for subsequent public broadcast, and may also be filmed by the Council and/or members of the publication on its website. The meeting may also be audio recorded and/or filmed for live or subsequent public broadcast.

For further information about public speaking at Planning Committee please contact [democraticservices@bcpcouncil.gov.uk](mailto:democraticservices@bcpcouncil.gov.uk)

#### Useful links:

The Council's Constitution can be accessed using the following link:

<https://democracy.bcpccouncil.gov.uk/ieListDocuments.aspx?CId=151&MId=3671&Ver=4&Info=1>

The National Planning Portal provides the following guidance on material planning considerations:

'A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision. Material considerations can include (but are not limited to):

- Overlooking/loss of privacy
- Loss of light or overshadowing
- Parking
- Highway safety
- Traffic
- Noise
- Effect on listed building and conservation area
- Layout and density of building
- Design, appearance and materials
- Government policy
- Disabled persons' access
- Proposals in the Development Plan
- Previous planning decisions (including appeal decisions)
- Nature conservation

However, issues such as loss of view, or negative effect on the value of properties are not material considerations.'

[https://www.planningportal.co.uk/faqs/faq/4/what\\_are\\_material\\_considerations](https://www.planningportal.co.uk/faqs/faq/4/what_are_material_considerations)



## PLANNING COMMITTEE

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|----------------------------|--|
| Report subject             | <b>Planning Committee Site Visit Protocol</b>  |
| Meeting date               | 30 May 2019  |
| Report author              | Richard Genge, Development Services Manager  |
| Contributors               | Tanya Coulter, Director, Law and Governance, and Monitoring Officer;<br>Democratic Services, Legal Services, Planning Services   |
| Wards                      | All Wards  |
| Status                     | Public Report  |
| Classification             | For Decision   |
| Executive summary          | This report sets out a proposed protocol for Planning Committee site visits, explaining the purpose of site visits in exceptional cases, the process for agreement to any visits, and the protocol to be followed during a site visit.   |
| <b>Recommendations</b>     | <b>It is RECOMMENDED that:</b><br><br>1. The Planning Committee adopt this report as its Site Visit Protocol.<br><br>2. A review of the Site Visit Protocol is carried out in not less than 6 months and a report is considered by the Planning Committee to consider any changes that are considered necessary.   |
| Reason for recommendations | The Planning Committee is exercising a quasi-judicial role on behalf of the Local Authority when considering applications for permission. It is important that any actions they carry out are robust, clearly set out and beyond doubt so as to avoid complaint of maladministration or potential judicial review. |

## **Background**

1. The Planning Committee will consider applications as required by the Constitution and on occasion will authorise the need to undertake a site visit. The purpose of this report is to set out clearly the purpose of such site visits, the timing and procedure for arranging such site visits, and the protocol for Members of the Planning Committee and other Councillors whilst attending the site visit. This protocol is set to ensure both consistency and to potentially avoid any later possible challenges of unreasonable behaviour etc where a site visit occurs.

## **Proposed Protocol**

### **Purpose of the site visit**

2. It is presumed that members of the Planning Committee will have familiarised themselves with the location and context of an application to be considered, in so far as this can be done from adjacent roads and public spaces and the relevant officer report to the Planning Committee.
3. In exceptional cases (such as the impact of the proposal is difficult to visualize from the plans and any supporting material, including photographs, as being unable to see the site from a public vantage point, or that there are other substantial benefits in carrying out a site visit), members of the Committee may suggest that the Planning Committee visit the site, or adjoining sites if relevant.

### **How decisions on a site visit are reached**

4. Where prior to the Committee, and following release of the Planning Committee agenda papers, members of the Committee consider that exceptionally a site visit of the Planning Committee is necessary such requests should be made to Democratic Services prior to Chairman's briefing. At the briefing the Chairman, in consultation with officers, will consider whether this exceptional case is made, or alternatively seek further visual information from the officers to support the Committee in the absence of a formal Planning Committee site visit.
5. Where a site visit has not occurred prior to the Planning Committee meeting members of the Planning Committee can during the debate seek to postpone the decision on any given application until a site visit of the Planning Committee is arranged. In these cases, members of the Planning Committee will need to clearly set out firstly why a site visit is considered necessary when this was not identified prior to the Planning Committee meeting and secondly whether deferral can allow for officers to source additional information that would negate the need for a site visit.
6. The site visit by members of the Planning Committee forms part of the Planning Committee process, allowing Planning Committee members to view the site and where appropriate adjoining properties.

## **Arranging the Visit**

7. Where a site visit has been agreed to be undertaken following the Chairman's briefing this will be arranged to precede the Planning Committee and a schedule for the visit will be agreed between the Chairman and officers. This will identify the timetable for the meeting and invited attendees.
8. Planning Services will then notify the applicant or their agent of the time and date of the proposed site visit and seek their authority for Members of the Planning Committee, Ward Councillors and officers to visit the site, where this cannot be achieved from a public point of access. Where the application site is on private land, the applicant or agent will be requested to be in attendance only to facilitate access.
9. All members of the Planning Committee will be invited to attend the site visit.
10. On occasion, officers of other services such as Transportation Services will be invited to attend a site visit to clarify factual matters.
11. Councillors have no right of entry to private land except by permission of the owner and they should not enter a private site until all are present and an officer has made contact on the site visit with the landowner/operator/applicant.
12. In the unlikely event that the landowner will not give permission to enter a private site, the site will have to be viewed from the public highway or from other adjacent land with the owner's permission.
13. Where the Planning Committee postpones the decision on the application until a site visit is arranged any visit will be organised immediately prior to the next Planning Committee in accordance with the above criteria.

## **Conduct of the Visit**

14. The purpose of the site visit is to enable members of the Planning Committee to familiarise themselves with the site and its surroundings in order to understand the issues more clearly when considering the application at the Planning Committee. It is presumed that members of the Planning Committee will have familiarised themselves prior to the site visit with the location and context of an application to be considered, in so far as this can be done from adjacent roads and public spaces and the relevant officer report to the Planning Committee.
15. Whilst it may be necessary for an applicant or his agent to be present on the site (e.g. to provide access or for safety reasons), discussions with the applicant or their agent or any third party (including Ward Councillors and other Councillors) should be avoided and they will be advised that lobbying of members of the Planning Committee is unacceptable. Presentations by applicants will not be permitted.
16. As the site visit is part of the process of the Planning Committee considering an application, it is chaired by the Chairman and formally

opened and closed. This will provide clarity as to when the site visit has formally commenced. Until the Chairman closes the site visit this protocol and procedures will be adhered to.

17. At the request of the Chairman, the planning officer will describe the application to the assembled Councillors and display appropriate plans or drawings of the proposal. (It is expected that Councillors will already be familiar with the planning officer's report) The planning officer will indicate matters of fact in relation to the proposal and surrounding land, which will be material once the proposal, is debated.
18. Questions from Planning Committee members should be addressed to the planning officer and be of a factual nature, for example distances to adjoining or objectors' properties or the landscape features to be retained. If during the site visit it is necessary to seek information from the applicant or agent, at the discretion of the Chairman an officer will undertake this.
19. At no time during the site visit should Councillors debate or comment on the planning merits or otherwise of a proposal.
20. The role of the Ward Councillors (if not a member of the Planning Committee) will be limited to drawing attention to features of the site that he/she considers relevant to the committee in understanding the site, its surroundings and the proposal. The Councillors will not be permitted to make representations on the merits or otherwise of the application.
21. If members of the public attend the site visit they can only be allowed on the land with the permission of the land owner. Presentation or lobbying by members of the public will not be permitted.

### **General**

22. Members of the Planning Committee should keep together, and it is essential that they should not allow themselves to be lobbied by anyone or enter into a discussion about the application or express any opinion about the application.
23. Members of the Planning Committee should ensure that they have seen all aspects of the site suggested by the accompanying officer or the Chairman during the visit.
24. The Planning Committee will not make any formal decision at the site visit and no individual member of the Planning Committee should express a view of the merits of the application during the site visit.
25. The application will usually be one of the first items on the Agenda of the following Planning Committee meeting where the merits of the application will be debated.
26. Where it is considered that a site visit is necessary it is essential that all members of the Planning Committee are present and where members of the Planning Committee are unable to attend the site visit they will be unable to vote on the application.

27. The decision of the Chairman, (in consultation with the planning officer where appropriate), on all matters concerning site visit protocol is final.

### **Record of the Visit**

28. A record of the visit will be made by an officer and retained on the planning application file. The record will include the timetable for the meeting, attendees and what was viewed on site.

### **29. Notes:**

- a. Officers will identify relevant health and safety issues for all site visits. All health and safety instructions, as issued by the site owner/operator must be strictly followed.
- b. Where appropriate, protective clothing e.g. high visibility jackets, hard hats will be provided for Councillors on arrival at the site. Councillors should, however, be aware of the need to wear appropriate footwear.
- c. In the interests of sustainability and highway safety, car-sharing will be available, and members are encouraged to make use of this.
- d. If a Councillor attending the site visit has special access requirements or wishes the Committee to visit other addresses (eg. an objector's home), early notification to the case officer will allow arrangements to be made

### **Summary of financial implications**

30. Within budget

### **Summary of legal implications**

31. None

### **Summary of human resources implications**

32. None

### **Summary of environmental impact**

33. None

### **Summary of public health implications**

34. None

### **Summary of equality implications**

35. None

### **Summary of risk assessment**

36. None

### **Summary of Human Rights act issues**

37. None

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