

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting:	3 April 2013
Report of:	Democratic and Registration Services Manager
Title:	Notice of Motion: Planning Committee Update Reports
Portfolio Holder	Councillor Rachel Bailey

1.0 Report Summary

- 1.1 At the Council meeting on 28th February 2013 the appended Notice of Motion, submitted by Councillor D Brickhill, and seconded by the Leader of the Council, was referred to the Strategic Planning Board for determination.

2.0 Decision Required

- 2.1 That the Board consider whether to support the proposals contained in the Notice of Motion.
- 2.2 If the proposals contained in the Notice of Motion are supported, the Board should decide whether:
- 2.2.1 It is felt that formal constitutional change should take place. If so, it should resolve that officers report the Board's views to the Constitution Committee, together with appropriate recommendations for changes to the Planning Protocol of Conduct in Relation to the Determination of Planning Matters.
- 2.2.2 It considers that the principles contained in the Notice of Motion can effectively be observed by officers and Members by way of informal working arrangements; in which case, it should resolve that this should take place.

3.0 Financial Implications

- 3.1 No financial implications would appear to arise from the proposals contained in the Notice of Motion.

4.0 Legal Implications

- 4.1 The proposals contained in the Notice of Motion would seem to make good sense from a legal perspective and would ensure that decisions made on planning applications would be less susceptible to challenge than might otherwise be the case.
- 4.2 Any formal changes to the Planning Protocol would need to be agreed by the Constitution Committee which, in turn, would need to make appropriate recommendations to Council.

5.0 Risk Assessment

- 5.1 The proposals contained in the Notice of Motion would result in a reduced risk of challenge to planning application decisions.

6.0 The Notice of Motion

- 6.1 The Notice of Motion was proposed by Councillor David Brickhill, and seconded by the Leader of the Council at the meeting of Full Council on 28th February 2013.

- 6.2 The Notice of Motion is set out in full in the appendix to this report but, in short, proposed that:

- 1 When planning application update papers are issued after publication of reports, these should be issued without delay to Members, prior to the meeting in question.
- 2 Where this happens, the planning application in question should only be determined where this is necessary due to urgency and where members of the decision making body agree that there has been sufficient time to absorb the late information.

- 6.3 These proposals would appear to make good sense. It is acknowledged, particularly in the sphere of planning, that there are often late submissions, which need to be brought to the attention of those responsible for determining the planning application in question. It would be quite inappropriate and impractical to defer consideration of every item of business where such updates were required. Indeed, the planning system could stagnate.

- 6.4 The Notice of Motion therefore strikes a sensible balance; acknowledging that the Council must have a practical way of dealing with update papers, but proposing that planning applications should only be determined where there is some element of time-sensitivity around the planning proposal, and where the decision-making members have had enough time to absorb the submitted information.

- 6.5 If the Board finds favour with the principles set out in the Notice of Motion, it is asked to make comment on the detail. If the Board feels that the Planning Protocol should be formally amended to take account of the Notice of Motion, it should agree that officers prepare a report to the Constitution Committee, which may then result in changes to the Planning Protocol.

- 6.6 However, the Board may feel that the principles contained in the Notice of Motion can effectively be incorporated into the working arrangements of officers and Members and that it is not necessary to change the Constitution in order for these to be observed. This would obviate the need for a report to the Constitution Committee, and to Council.

For further information:

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Background Documents: Council agenda item relating to the submitted Notice of Motion

PLANNING COMMITTEE UPDATE REPORTS

Submitted by Councillor David Brickhill and Seconded by Councillor Michael Jones

In connection with the proceedings of the Strategic Planning Board on 30th January, when the following late update papers were produced after publication of the agenda for the meeting:

Update 1 containing 14 pages on 23rd at 11.42 including the Parish Council's response prompted by Councillor Hogben

Update 2 containing 18 pages on 25th at 17.22

Update 3 containing 12 pages, on 29th at 18.24

All of which led to delays in the business of the Board and a deferment. This Council calls upon officers and the Committee to ensure that:

- Update papers which are issued after publication of the agendas for planning meetings should be produced without delay prior to the meeting in question.
- Where it is necessary for update papers to be brought to the attention of Members within the five working days before planning meetings, the application in question should only be determined where:
 - The officers advise that it is necessary to do so in view of the urgency of the matter; and
 - Members of the Committee/Board agree that they and the public have had sufficient time to absorb the information in question; but
- That in other cases, the Committee/Board should resolve to defer consideration of the application in question.