

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee **DATE:** 11th January 2012

CONTACT OFFICER: Catherine Meek, Deputy Borough Secretary
(For all Enquiries) (01753) 87011

WARD(S): All

PART I **FOR RECOMMENDATION**

PLANNING COMMITTEE – PUBLIC PARTICIPATION SCHEME

1. **Purpose of Report**

To consider an amendment to the Public Participation Scheme (PPS) as recommended by the Member Panel on the Constitution. This item was deferred by the Committee at its meeting on 25th October 2011..

2. **Recommendation**

The Committee is requested to Recommend that the Public Participation Scheme be amended as set out in Appendix A to allow objectors to speak on an application when Officers are recommending refusal.

3. **Community Strategy Priorities–**

The administrative and procedural changes have no direct impact on the Community Strategy.

4. **Other Implications**

(a) **Financial**

There are no financial implications arising from this report.

(b) **Risk Management**

There are no significant risks.

(c) **Human Rights Act and Other Legal Implications**

There is no legal obligation to allow public participation at planning committees. The Council has agreed a Scheme to allow public participation at meetings and this forms part of the Constitution.

(d) **Equalities Impact Assessment**

Any Scheme and/or proposed changes to it should ensure absolute equality between applicant and objectors/supporters.

(e) **Workforce** There are no workforce implications.

5. **Supporting Information**

- 5.1 At its meeting on 6th October the Member Panel on the Constitution considered the Public Participation Scheme. The Panel had been asked by the Council to consider the following proposal that Councillor Smith had put at the Council meeting on 26th July 2011:

‘Objectors should be enabled to address the Planning Committee if officers are recommending "refusal", where the proposed development is in a Conservation Area, or in the Greenbelt, or where the objectors are statutory consultees, including Parish Councils.’

Public Participation Scheme (PPS)

- 5.2 The PPS is set out in the Constitution within the Planning Code of Conduct.
- 5.3 The PPS currently allows certain people/groups the opportunity to speak about a planning application if the application is recommended for **approval** by officers and is to be determined by the Planning Committee.
- 5.4 The Scheme states that in the case of a planning application that is recommended for **refusal** the applicant has recourse to the statutory appeal process.

Consideration by the Member Panel on the Constitution

- 5.5 Members discussed the speaking rights at Planning Committee and the proposal moved by Councillor Smith. Members were advised that, whilst there was no legal requirement to allow public participation at Planning Committees, any scheme should ensure absolute equality between applicant and objectors.
- 5.6 Whilst Councillor Smith’s proposal suggested that objectors should be able to address the Committee if an application was recommended for refusal in certain circumstances, the Panel considered that speaking rights [in accordance with the scheme] should be extended to all applications submitted to Committee whether for approval or refusal to ensure equity for all.
- 5.7 The Panel recommended that the Scheme be amended as set out in Appendix A

6. **Comments of Other Committees**

Any recommendation to alter the PPS would need to be recommended to Council for approval.

7 **Appendices Attached**

‘A’ **Public Participation Scheme – incorporating proposed amendments**

8. **Background Papers**

Agenda and Minutes – Council 26th July 2011
Member Panel on the Constitution – 6th October 2011

PUBLIC PARTICIPATION SCHEME

- 9.1 Applications for planning permission are determined by either Officers acting under the Council's Scheme of Delegation or by Members who form the Planning Committee. Each application is subject to a public consultation/notification exercise which includes local residents and other bodies inviting comment in writing on the application before it is determined.
- 9.2 The Council gives the following an opportunity to address, in certain circumstances, Members of the Planning Committee at the meeting before Members take their decision:-
- (a) Objectors
 - (b) Parish Council representatives
 - (c) The applicant (or his agent)
 - (d) Ward Councillors or other appropriate elected representatives raising material planning issues on behalf of those they represent.
- 9.3 The Public Participation Scheme will only apply to applications which are to be determined by the Planning Committee. They do not apply to any matter where the Planning Committee is considering enforcement of any kind. Applications to be determined under Officer Delegated Authority are not subject to the requirements of this code.

The Public Participation Scheme will operate in accordance with the explanatory leaflet attached as **Appendix B** to this Code of Conduct

SLOUGH BOROUGH COUNCIL

What happens about my Objection to a Planning Application?

This information explains how your objection is dealt with and how the application is determined. Your views on planning applications are always considered when planning decisions are made

1. I have objected. What happens next?

1.1 Planning officers will consider whether:

- the application should be recommended for approval as it stands
- it should be amended to resolve your objection, or
- it should be refused

1.2 Your written objection may be made by email or by letter. Your written objection will not normally be replied to or acknowledged. If the application is to be referred to the Planning Committee you will be notified when the Agenda is prepared to give you the opportunity to register if you wish to speak on your objection. The deadline for receipt of requests to speak at a Planning Committee shall be no later than three clear working days prior to the day of the meeting. If exceptionally an application is taken to Planning Committee as a late urgent item you will be informed. If there is not three working days for the submission of your request discretion may be exercised to relax the procedure.

1.3 If you have submitted a petition in response to a planning application your petition will be noted for the purposes of the Public Participation Scheme and, in the event that the application is to be determined by the Planning Committee, the petition organiser/main contact will be advised of their right to speak at the meeting.

[Note: The submission of a petition does not mean that the planning application will automatically be referred to the Planning Committee.]

2. Who Makes the Decision?

Most planning applications are dealt with at officer level under a Scheme of Delegation. In this circumstance the application will not be reported to the Planning committee for determination. In certain circumstances, as set out in the Scheme of Delegation, the application will be determined by the Planning Committee. Any comments received will be summarised in a report when the application is presented.

3. Can I see the officer's report before the Planning Committee Meeting?

Yes. The agenda and reports will be available five working days before the meeting. An additional paper (The Amendment Sheet), containing information received after the reports have been written and prior to the meeting, will be circulated at the meeting.

4. Can I speak at the Planning Committee Meeting?

Slough Borough Council has a public participation scheme that allows for speaking about a planning application that is to be determined by the Planning Committee. You may speak if:-

- (a) you have made a written objection or lodged a petition and
- (b) registered to speak.

5. Can a member of the public speak about any application on the Agenda?

No. Members of the public can only speak if they have objected in writing to an application and registered to speak, in line with the Public Participation Scheme.

6. How much time will be allowed for speakers?

A total of four minutes per site/application will be allocated to hear the views of all objectors, four minutes for Parish Councils and four minutes for the applicant/agent. The Chair of the Planning Committee can in exceptional circumstances extend the time limit for all parties and his decision will be final.

7. What happens if there are a number of objectors wishing to speak?

7.1 The time limit remains the same and objectors will be encouraged to present a joint objection or appoint a spokesperson, as this is often the most effective use of the time available. In order to agree the best approach, objectors may contact the Planning Committee Clerk for details of others wishing to speak. The telephone and fax numbers and the e-mail address can be found in the Notice of Objection form which accompanies this leaflet. In some cases the Parish Council or a Residents' Association may be willing to represent objectors.

7.2 The Council needs to strike a balance between providing the opportunity for people to be heard and ensuring that the applications are dealt with efficiently, within a meeting of reasonable length. This is why there is a time limit on speakers.

8. Can someone else speak on my behalf?

Yes. You could ask a friend, relative or professional adviser to speak for you.

9. How do I present my objection?

The Committee may only consider relevant planning issues. Please limit your comments to matters such as:-

appearance and character of development
traffic generation, highway safety and parking
overshadowing, overlooking and loss of privacy
noise, disturbance and other loss of amenities
layout and density of buildings
relevant planning policies

Please avoid matters that cannot be considered by the Committee such as:-

boundary disputes, covenants or other property rights
personal remarks (e.g. the applicant's motives)
reduction in property values
loss of private view over the land

If you would like to check what issues are relevant, please contact the appropriate planning officer in the Department of the Green and Built Environment. Advice is given free of charge at present but is subject to review. You may be asked to pay a fee for specific advice from a Planning Officer in accordance with any charging scheme the Council may introduce.

If you have any questions or documentary evidence eg letters, maps, photographs etc in support of your objection they must normally be submitted to the appropriate planning officer at least 72 hours before the meeting. This will allow any such documents to be verified and to be given proper consideration by the Committee. Documents or questions submitted outside this deadline can only be considered in exceptional circumstances and with the approval of the Chair.

10. When and where are the meetings held?

Applications are dealt with by the Planning Committee, which meets at 6.30 p.m. You will be advised by letter or e mail of the date of the meeting if the application you have objected to is to be considered by the Committee and the location of the meeting..

11. Who is on the Committee and who else will be there?

The Committee is made up of elected Councillors. Council Officers attend to advise the Committee and make a formal record of the meeting. Other Councillors may be present to speak on applications within their Ward, but they cannot vote. Any member of the public or applicant may attend to listen to the debate and the Media is usually present.

12. What is the order of business at the meeting?

The Chair of the Planning Committee will normally amend the order of business on the Agenda and deal firstly with those applications where people have expressed a wish to speak under this Scheme.

13. What is the order of speaking for each application?

The Chair will announce the application.

A planning officer will give a short introduction.

The Chair will invite objectors to speak

The Chair will invite the applicant or agent to respond

The Chair will invite the Ward Councillor(s) to speak

The Chair will invite the Parish Council representative to speak.

Committee members may ask questions of the speakers and seek clarification of particular points from officers.

The Committee will then discuss the application and make a decision. This may be to:-

- approve the application
- refuse the application
- defer consideration eg for further information or amendments, or
- defer consideration for a site visit by a panel of Councillors.

14. What happens if an application is deferred for a Site Visit?

If, before the meeting, a councillor asks for a site viewing and the application is not discussed, you will be invited to speak at a subsequent meeting when the item will be considered. If, after hearing the objectors, the Committee decides to view a site, you will not be invited to speak again. **You will be given only one opportunity to speak on an application.**

15. Can Objectors speak at a Site Visit?

No. The site visit is private and its purpose is to observe characteristics of a site and its relationship to the surroundings. Representations on the merits of the application will not be discussed.

16. Can an application be approved by the Committee if it is recommended for refusal?

Yes the Committee (ie the Members elected by the public) can disagree with the officer's recommendation.

17. What happens after the decision is made?

The applicant/agent will be sent the notice of decision. Objectors/supporters can view the decision on the Council's website. www.slough.gov.uk or inspect the Planning Register at the Planning Office. Where an application has been refused, the applicant can appeal to the Planning Inspectorate. You will be advised of any such appeal, your original comments will be forwarded to the Inspectorate and you will be asked for any further comments. Where an application has been granted, there is no opportunity for objectors to appeal.

PUBLIC PARTICIPATION SCHEME

OBJECTOR WISHING TO SPEAK

Location:

Proposal:

Application Reference:

I confirm that I would like the opportunity to address the meeting in the event of the above mentioned application being reported to Committee.

Objector's

Name

Address

Telephone No:

Signed

Please return to:

Democratic Services Officer - Planning
Resources and Regeneration
St Martin's Place

Bath Road
Slough
SL1

Or Fax on: (01753) 875171
Or E-mail: