

## CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Planning Services

TO: Planning Committee

3/9/2014

WARDS: All

### **PLANNING COMMITTEE INFORMATION ITEM - ADJOURNED DECISION PROTOCOL**

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#### **1 INTRODUCTION**

- 1.1 The Council has agreed to introduce a new convention for the Planning Committee, known as the Adjourned Decision Protocol (ADP). This protocol comes into effect from September's committee meeting and a flowchart and the agreed operating principles are attached to this report for information.

#### **2. RECOMMENDATIONS**

- 2.1 That the operating principles agreed by Council and the explanatory flow-chart for the Adjourned Decision Protocol as set out in Appendix A and B are noted.

#### **3. BACKGROUND**

- 3.1 Members will recall that an agreed action following the Station Road/Wilton Terrace appeals case was to introduce a new convention for the Planning Committee, for those major cases where a decision contrary to officer's advice was being contemplated.
- 3.2 The operating principles for the new convention and the flow chart showing how it is to work are attached at appendix A and B.
- 3.3 It was agreed that the convention would be introduced from September's Planning Committee, to be used as appropriate.

#### **4.0 CONSULTATIONS**

4.1 These have been undertaken at previous stages in the development of this protocol.

## 5.0 **OPTIONS**

5.1 Options were considered in the process of developing the protocol. Environment Scrutiny Committee recommended that the protocol be introduced and that was subsequently agreed by Full Council in July.

## 6.0 **IMPLICATIONS**

(a) **Financial Implications** - none

(b) **Staffing Implications** - none

(c) **Equalities and poverty Implications** - none

(d) **Environmental Implications** – nil climate change impact

(e) **Procurement** - none

(f) **Consultation and communication** – this protocol has been fully considered by Planning Committee, Environment Scrutiny Committee and Council.

(g) **Community Safety** – there are no Community Safety implications

**BACKGROUND PAPERS:** The following are the background papers that were used in the preparation of this report:

Appendix A: Operating Principles Agreed at Council

Appendix B: Adjourned Decision Protocol Flowchart

Reports to Planning Committee 23/4/14, Environment Scrutiny Committee 8/7/14, Council 24/7/14

To inspect these documents contact Patsy Dell on extension 7103

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Report file: pd/planning committee

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Appendix A: Operating Principles (agreed at Council 24<sup>th</sup> July 2014)

### **COUNCIL AGENDA ITEM 4D**

#### **Revised Appendix C: The new Planning Committee Convention principles Executive Councillor for Planning Policy and Transport Addendum following Environment Scrutiny Committee**

- The new process will only apply to major planning applications considered by the council's planning committee (using the Department of Communities and Local Government (DCLG) definition of major - >10 dwellings or >1,000m<sup>2</sup> floorspace), and
- Where there is a majority resolution that is minded to make a decision contrary to officer advice
- The procedure will be initiated as appropriate by the Chair/Vice-Chair in consultation with the Head of Planning Services/ City Development Manager.
- This convention will operate where the item has been presented by officers, public speaking has taken place and members have debated the merits of the proposal. The Chair of the Planning Committee will seek a resolution and the specific grounds upon which the members of the committee agree by a majority that they are minded to refuse planning permission (including the member reasons for that refusal based on relevant planning policy, technical and other matters which in the committee's judgement means the application should be refused); or alternatively, minded to approve planning permission in which case planning conditions, reasons and s.106 matters may be involved
- The item will then be adjourned and officers will prepare a further report providing relevant additional advice on the committee resolution. This would normally be brought back to the next available meeting but may be delayed to a later meeting if external legal or technical advice needs to be sought
- To ensure safe decision making, members of the planning committee absent from the previous discussion, should not take part in the resumed debate.
- The committee will determine if their original minded-to resolution is still appropriate, should be amended or whether the original officer recommendation should be followed, likewise the means by which a permission can be granted with planning conditions and s.106 requirements will be outlined. The decision and reasons for it are to be noted in the minutes of the meeting.
- Should the decision result in an appeal, the approach to defending the council's case at the appeal will be managed by officers and reported back to committee if needed.

