

Guide to the Proceedings of the Planning Applications and Major Planning Development Committees

1. Introduction

- 1.1 The Planning Applications Committee and the Major Planning Development Committees are appointed by the Council to consider applications for planning permission and other consents under the planning legislation. Both Committees have an essential role in making the planning system work and ensuring the best outcomes for the community now and in the future.
- 1.2 Where in this Guide reference is made to “the Committee” it applies to both the Planning Applications Committee and the Major Planning Development Committee

2. Roles and Membership of the Planning Applications Committee and the Major Planning Development Committee

- 2.1 The membership of the Planning Applications Committee is presently five Councillors (presently four majority party and one minority party) drawn from a “pool” of twenty-one.
- 2.2 The membership of the Major Planning Development Committee is presently twelve Councillors (presently ten majority party, two minority party)
- 2.3 Most applications for planning permission are minor and give rise to no or limited objection and such applications are determined by the Executive Director for Planning and Borough Development under the powers delegated to him by the Council. The Committees consider those planning applications that are not dealt with by the Executive Director for Planning and Borough Development. A more detailed description of the categories of applications dealt with by each Committee is set out in paragraphs 3.1 and 3.2 below.

3. Applications considered by the Committee

- 3.1 The Committee decides those applications where:

- there have been 3 or more objections and the Executive Director for Planning and Borough Development is recommending that planning permission should be granted
 - in most cases where a section 106 agreement is proposed
 - a Member has requested that the application be considered by Committee or
 - the Executive Director for Planning and Borough Development has decided that the application should be considered by the Committee
 - an application is contrary to the Council's planning policies and the Executive Director's recommendation is to grant permission.
- 3.2 The Major Planning Development Committee decides those applications which:
- involve a significant departure from the development plan
 - fall within the categories of development which must be referred to the Mayor of London
 - are referred by the Planning Applications Committee or
 - in the opinion of the Executive Director for Planning and Borough Development should be decided by this Committee

4. The Urban Design Champion

- 4.1 The Council's Unitary Development Plan attaches great importance to urban design and it is for that reason the Cabinet Member for Planning Policy is the Council's Urban Design Champion and has the right to address the Major Planning Development Committee on design, in accordance with the rules set out in section 10 of this Guide.

5. The Architecture Appraisal Panel

- 5.1 The Council has the advantage of receiving design advice from the Architecture Appraisal Panel. The Panel is an independent advisory body set up by the Council to review key planning proposals and to offer support and advice to the Urban Design Champion, officers and applicants to deliver

high quality architecture within the Royal Borough. Where appropriate this advice will be reported to the Committee.

6. Committee Meetings

6.1 The dates of Committee meetings, the names of Members of the Committees and details of which Members will be attending specific meetings of the Committee can be obtained from either:

- The Planning Information Office, Kensington Town Hall, Hornton Street, London W8 7NX (Telephone 020 7361 2079 or 2080),
- The Clerk to the Committee (Telephone 020 7361 2254), and
- The Council's Website - www.rbkc.gov.uk

6.2 If members of the public wish to know at which meeting a particular application will be considered, they should contact the Planning Information Office (Tel 020 7361 2079 or 2080), which will refer them to the appropriate Planning Officer dealing with the case.

6.3 Meetings of the Planning Applications Committee take place normally every 2/3 weeks. The Major Planning Development Committee meets less often. Meetings are held at Kensington Town Hall, Hornton Street, London WS 7NX and usually start at 6.30 p.m. The public may attend the meetings to hear the discussion, but they may only address the Committee in the specific circumstances mentioned later in this Guide.

6.4 The Council has to maintain a flow of applications through the system. Committee agendas are made public at least 5 clear working days before the Committee meets. Those members of the public who have made representations on a particular application will be notified of the Committee date by first class post at the same time as the agenda is made public.

7. Seeking permission to make representations at the Committee Meeting

7.1 Representations are permitted at the discretion of the Chairman of the Committee taking into account the matters set out at paragraphs 7.2 to 7.7 below. Those wishing to

make representations should contact the Planning and Borough Development Business Support team (Tel 020 7361 2101) who will liaise with the Chairman. Requests to speak MUST be made by 12 noon two working days before the scheduled Committee. For example, if the Committee meeting is scheduled to take place on a Tuesday, requests to speak must be made by 12 noon on the Friday the week before.

7.2 Representations to the Committee are objector-led. This means that if there are no objectors attending to make representations on an application, the applicant will not be allowed to speak. If objectors are permitted to make representations, a similar opportunity will be granted to the applicant. The exception to this is where an application is recommended for refusal, when the applicant may be allowed to speak at the discretion of the Chairman even if there are no objectors speaking.

7.3 In considering requests to speak at the Committee meeting, the Chairman will wish to be assured that the objector;

- has already responded in writing to the original consultation on the application;
- has read the report;
- will raise issues not adequately covered in the report; and
- will raise issues that are material planning considerations.

Where the Chairman has refused a request to speak the objector will be invited to put any further comments in writing to be circulated at the Committee meeting.

7.4 Where the Chairman has agreed to an objector speaking at Committee, the objector should provide a written summary of the point(s) they propose to make to the Executive Director by no later than 12.00 noon on the day of the meeting so that it can be available for the Committee members at the meeting.

7.5 If an applicant/objector feels that the Executive Director's report to the Committee on an application contains factual errors or that plans are inaccurate, these points should normally be raised with the Area Planning Officer or the Executive Director prior to the meeting.

7.6 Where a number of objectors propose to attend the meeting

on a particular application, one of the objectors should be nominated to speak on behalf of all the objectors concerned. However, if there are distinct and separate areas of objection, the Chairman may allow two or more objectors to address the Committee for up to three minutes each.

- 7.7 Objectors may speak on their own behalf or on behalf of an amenity group, society or organisation and should not normally be professionally represented. Objectors will be expected to have discussed their objections with the Area Planning Officer or Executive Director before the meeting to see if their concerns can be dealt with before the Committee considers the application.
- 7.8 The rules set out above will also apply to applicants although they may be represented by the professional advisers who have dealt with the application on their behalf. Legal representation will not normally be appropriate.
- 7.9 The Committee will not hear representations from the floor unless prior agreement has been given
- 7.10 If the applicant or the objectors wish to produce additional documents, photographs, or other material etc at the meeting, they should provide 10 copies for circulation, in addition to handing a separate copy to the party representing the other side at the meeting. It is recommended that any material to be circulated should ideally have been seen by the Council officers prior to the meeting. Any supporting documentation should be kept to a minimum as it may be difficult for Members to consider papers which they have not received in advance.
- 7.11 Those with permission to make representations will be given a time to attend before the Committee and, although speakers are requested to be in the Committee Room at the appointed hour, it is stressed that the time given to arrive is only a guide depending upon the business before the Committee. Unavoidable delays may occur, and the order of business may also be varied; however, no application where the Chairman has given permission to address the Committee will be considered before the agreed time.

8. Consideration of Applications at the Meeting

- 8.1 The number of applications before the Committee varies from meeting to meeting. The first cases considered are usually those where objectors/applicants have requested and

obtained permission from the Chairman to address the Committee.

8.2 Before the meeting starts, people in the public gallery will be asked if there are specific cases that they have come to hear. These cases will normally be dealt with after the applications on which there are to be representations; the remainder of the business will normally be considered in the order set out on the agenda.

8.3 Members of the Committee will have received their reports on the applications at least 5 clear working days prior to the meeting and so will have had a good opportunity to consider details of the proposals. It may be the case, therefore, that all applications are not extensively debated at the meeting, though this does not mean that they have not been the subject of careful consideration by the Members.

9. Presentation of the Application

In cases where the Chairman has agreed to representations being made at Committee the usual procedure will be for the Area Planning Officer or their deputy to explain the application and to answer any questions from the Committee.

10. The procedure for making Representations at Committee by those permitted to speak

10.1 Those with permission to speak will be called to make their representations and then answer any questions from the Committee after the application has been presented by the Area Planning Officer.

10.2 An objector will be allowed a maximum of 5 minutes to address the Committee. However, if there are two or more objectors the Chairman has the discretion to reduce the time allowed to speak for each objector to a maximum of 3 minutes, as stated in rule 7.6. At the conclusion of their address, Members of the Committee may ask questions of the objector.

10.3 If objectors are allowed to address the Committee, the applicant will then be accorded an automatic right to address the Committee normally for a maximum of 5 minutes. Members of the Committee may then ask questions of the applicant.

10.4 Ward Councillors may address the Committee on an

application at the discretion of the Chairman for a maximum of 5 minutes.

- 10.5 The Cabinet Member for Planning Policy, Housing Policy and Transportation, who is the Council's Urban Design Champion under its Constitution, has the right should he so wish to address the Major Planning Development Committee for a maximum of 5 minutes on matters relating to the design of the proposal being considered.
- 10.6 There will be no opportunity for objectors or applicants to cross-examine one another, nor to question members of the Committee or Council officers. They will not be permitted to join in the deliberations of the Committee on the application.
- 10.7 If following representations an application is deferred to a future meeting of the Committee, objectors/applicants/Ward Councillors will not normally be allowed to address the Committee at that meeting; any further comments should be put in writing. The reason for the deferral of the application will be included in the Executive Director's report.
- 10.8 It must be noted that:
 - An application will not be deferred because it was not possible for the objector to be included in the permitted number of representations.
 - Objectors/applicants/Ward Councillors will not be allowed to speak after applications have been decided by the Committee.
- 10.9 The Chairman of the Committee will have absolute discretion in the interpretation of section 10 of this Guide, but will generally be sympathetic to applicants/objectors subject to the rules of natural justice.

11. The Decision

- 11.1 In accordance with the Council's Standing Orders the quorum for Committee meetings is three (3) Committee Members including the Chairman.
- 11.2 All matters shall be decided by a majority of the Committee Members present and voting at the meeting.
- 11.3 In the case of an equality of votes the Chairman shall have a casting vote.

11.4 The Committee may;

- grant the application
- delegate the power to grant planning permission to the Executive Director for Planning and Borough Development for example following completion of a s106 planning obligation or the consideration of the application by the Mayor of London
- refuse the application
- defer the application to allow for further negotiation or information to be provided
- where the application is the subject of an appeal to or a call-in or holding direction by the Secretary of State the Committee can still give its views on the application; or
- in the case of the Planning Applications Committee refer the application to the Major Planning Development Committee

12. Reasons for a decision

12.1 If the Committee makes a decision contrary to the Executive Director for Planning and Borough Development's recommendation, the Committee must then give relevant reasons for its decision, based on the Council's policies and other material planning considerations.

13. Adjournment to seek legal advice

13.1 Occasionally the Committee may adjourn the meeting for a short period of time to seek legal advice. This practice is the exception and will be used only when the Committee decides there is no option but to seek confidential legal advice in private.

14. Minutes of Meetings

14.1 The Governance Administrator who is present at the meeting is responsible for preparing the minutes of the meeting. The minutes are not a verbatim account of the proceedings but will summarise the main points of any representations made by applicants or objectors at the meeting and any points made by the Committee when considering the application. The minutes will also accurately record any votes taken and

decisions made. After the meeting it is a convention within this Council for the draft minutes to be cleared by the Chairman in readiness for formal approval at the earliest opportunity by a Committee. The minutes will be approved at the next Committee meeting when the same Chairman is chairing the meeting even if the composition of the Committee may not be the same as at the previous meeting.

- 14.2 At the meeting where the minutes are formally approved, it is the responsibility of any Committee Members who were present at the previous meeting to confirm that the minutes as drafted are a full and fair recollection of the discussions held and decisions made. Once such confirmation is given, either unanimously or by the majority of those present at that previous meeting, the Chairman will sign the minutes as a formal record of that meeting.