

# **Planning Committee**

## **AGENDA**

meeting to be held in the

Walton Suite

Guildhall

Winchester

on

**Thursday**

**16 November 2017**

at

**9.30am**

**PLANNING COMMITTEE**  
**Membership 2017/18**

**Chairman:** Ruffell  
(Conservative)

**Vice Chairman:** Read (Conservative)

**Conservative**

Gottlieb  
Jeffs  
Tait

**Liberal Democrat**

Clear  
Evans  
Izard  
Laming

**Deputies**

Berry, Pearson

Bell, Rutter

**Quorum=** 4 Members

**Timetable of scheduled meetings for 2017/18**

25 May 2017	22 June 2017	27 July 2017	24 August 2017
21 September 2017	17 October 2017*	16 November 2017	14 December 2017
18 January 2018	15 February 2018	15 March 2018	19 April 2018

\* Tuesday 17 Oct

Meetings commence at 9.30am in The Walton Suite, Guildhall, Winchester (unless otherwise stated)

**Corporate Priorities:**

The Committee will have regard to the Council Strategy and Portfolio Plans. For further details on the Council Strategy, please visit

<http://www.winchester.gov.uk/news/2016/nov/new-council-strategy-for-winchester>

For further details on Portfolio Plans, please visit – <http://www.winchester.gov.uk/councillors-committees/portfolio-holder-plans/portfolio-plans-2016-17/>

**Terms of Reference:**

Winchester City Council is the local planning authority for the part of the Winchester District which lies outside the South Downs National Park and is responsible for determining planning applications in this area. The City Council is also working in partnership with the South Downs National Park and is determining the majority of planning applications in the National Park, on behalf of the National Park Authority.

The full list of powers and duties exercised by this Committee, including details of the delegated powers of the Council, are set out in the Constitution of the City Council (Part 3 Section 4 refers), via the following link:

<http://www.winchester.gov.uk/meetings/constitution/>

## **The Human Rights Act 1998:**

Please note that the Human Rights Act 1998 makes it unlawful for the Council to act in a way incompatible with any of the Convention rights protected by the Act unless it could not have acted otherwise.

In arriving at the recommendations to grant or refuse permission, careful consideration has been given to the rights set out in the European Convention on Human Rights including Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 14 (prohibition of discrimination in enjoyment of convention rights) and Article 1 of the first Protocol (the right to peaceful enjoyment of possessions).

The Council is of the opinion that either no such rights have been interfered with or where there is an interference with the rights of an applicant or objector, such interference is considered necessary for any of the following reasons:-

- ◆ The protection of rights and freedoms of others
- ◆ Public safety
- ◆ The protection of health or morals
- ◆ The prevention of crime or disorder
- ◆ The economic well being of the country.

It is also considered that such action is proportional to the legitimate aim and in the public interest.

### **General Guidance on the work of the Committee:**

#### **Background**

The Planning Committee meets on average once every four weeks. The membership of the Committee is drawn from elected City Councillors.

The Council's Constitution states that the vast majority of applications will be determined by the Planning officers (which are sometimes known as "delegated decisions"). However, if certain criteria are met from the Constitution, some applications (about 5%) are referred to Committee for determination, rather than officers.

As part of the Winchester District includes the South Downs National Park (SDNP), the Committee can also determine applications from this area on behalf of the National Park Authority.

#### **At the meeting**

At the start of the Committee meeting, the Chairman will introduce the Councillors and officers at the table. Any Councillor's declarations of interest will also be announced at this point. If the interest is considered by the Councillor to be significant, he/she will leave the meeting when it reaches that item on the agenda.

#### **Timing**

The Committee considers many applications and scrutinises each one thoroughly. However, to prevent waiting unnecessarily through other people's applications, where work demands it, agendas will be split into morning and afternoon sessions. The morning session will usually start at 9.30am and, where applicable, the agenda will set out those items which the Committee will *not* consider before 2.00pm in the afternoon. Further details are set out below.

## **The officer's presentation**

On each item, the planning case officer will introduce the application to the Committee. They will concentrate on showing details of the proposals with the aid of projected visual material, including photographs of the site and plans. The length and details of the presentation at the meeting will be proportionate to the nature and scale of the proposal. The officer will make a recommendation to the Committee to either approve or refuse the application and, in the latter case, will state the reasons for this.

The officer is required to make a recommendation and the presentation will include material to explain why the scheme is being recommended for permission or refusal. However, officers will not restate the information set out in the report which relates to the assessment of the planning merits of the case. Specialist officers dealing with issues such as design, historic environment and highways may also be available at Committee to provide advice on such matters and a legal representative will attend all Planning Committee meetings.

## **Members' Questions**

After the presentation, there will be an opportunity for the Councillors on the Committee to ask questions of the officers, usually based on the planning themes set out in the report.

## **Public Participation**

Following the Councillors' questions, there will be a period of public participation, as follows:

- Objectors (3 minutes),
- Parish Council representatives (3 minutes),
- Ward Members (local District Councillors)/Portfolio Holders (5 minutes),
- and supporters of the application (3 minutes).

The process is controlled by procedures to ensure fairness to both objectors and supporters. To register to speak, please contact the Public Speaking Co-ordinator on 01962 848 339 by 4pm one clear working day before the meeting.

After each speaker's category, there will be an opportunity for the Committee to ask questions of the speakers, *if the Committee considers it necessary to clarify any matters of fact that arise.*

Aside from this, the Committee will not enter into any further discussion with members of the public.

## **The Councillors' Debate**

After public participation, the Councillors will debate the application and may pick up any issues raised during public participation before a vote is taken to either;

- permit,
- refuse or
- defer (usually for a Viewing Sub-Committee or further information).

If the Committee votes against the officer's recommendation, the reasons for this will be discussed and explained. A summary of the Committee's reasons will be included in the minutes.

## **Voting**

Every Member has one vote when a matter before the meeting requires a decision. In the event of an equality of votes, the Chairman may exercise a casting vote and that vote may be cast in any way he wishes.

A Member may abstain from voting, or vote differently from how they may have indicated during the debate, without further explanation. The way each Member voted will not be recorded in the minutes, unless a motion to have a Recorded Vote has been passed.

## **After the meeting**

After the meeting, the minutes will be available from the Council's website and a decision notice will be sent to the applicant/agent. Applicants have a right of appeal against a Committee decision to refuse planning permission, or any conditions imposed on permission, and any appeal will be considered by an Inspector appointed by the Secretary of State. Where an application has been permitted, there is no opportunity for objectors to appeal, other than to the Court by way of judicial review on a point of law.

## **Further information**

If you have any further enquiries regarding the Committee, please visit our website [www.winchester.gov.uk/pdc](http://www.winchester.gov.uk/pdc) or contact Democratic Services on 01962 848 438 or email [democracy@winchester.gov.uk](mailto:democracy@winchester.gov.uk)

## AGENDA

### OPEN TO THE PUBLIC

AT 9.30am

### PROCEDURAL ITEMS

1. **Apologies and Deputy Members**

To record the names of apologies given and Deputy Members who are attending the meeting in place of appointed Members.

2. **Disclosures of Interests**

To receive any disclosure of interests from Members and Officers in matters to be discussed.

*Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests, and on Predetermination or Bias in accordance with legislation and the Council's Code of Conduct.*

If you require advice, please contact the appropriate Democratic Services Officer, prior to the meeting.

3. **Membership of Sub-Committees etc**

To give consideration to the approval of alternative arrangements for appointments to bodies set up by the Committee or the making or terminating of such appointments.

4. **Minutes** of the previous meeting held on 17 October 2017 and the minutes of the Planning (Viewing) Sub Committee held on 1 November 2017 – attached for Members of the Committee only\*.

Public speaking is allowed on individual planning applications, subject to certain restrictions – please contact the Public Speaking Co-ordinator as soon as possible, but **prior to 4.00pm Tuesday 14 November 2017**, on (01962) 848 339 to register to speak and for further details.

### BUSINESS ITEMS

	<u>Report Number</u>	<u>Ward</u>
5. Where appropriate, to accept the Update Sheet as an addendum to the Report.		
6. Planning Applications Schedule	PDC1098 (WCC Items 1 – 4)	General
<b>The following items will not be considered before 2.00pm:</b> (Depending on the Committee's progress, some of the morning's items may overrun into the afternoon session. Nevertheless, the following items will not be considered <u>before</u> 2.00pm).	PDC1098 (WCC Items 5 - 8)	General

(continued)

7. EXEMPT BUSINESS: To consider whether in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- (i) To pass a resolution that the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100 (I) and Schedule 12A to the Local Government Act 1972.

Item

Para No, of Schedule 12a  
to the Act giving description of  
exempt information giving rise  
to the exclusion of the public

- Enforcement Report (exempt report) 3 & 5

8. Enforcement Report (Exempt Report) PDC1097

J HOLMES  
Strategic Director: Resources

8 November 2017

Agenda Contact: David Shaw Tel: 01962 848221 Email: [dshaw@winchester.gov.uk](mailto:dshaw@winchester.gov.uk)

**\*Note: With the exception of exempt items, all minutes and reports listed are available on the Council's website: [www.winchester.gov.uk](http://www.winchester.gov.uk)**