

**Agenda Item 6, Planning Application P/2017/0121 – Relocation of
Torbay School, Parkfield – Alterations to MyPlace, Parkfield and
construction of new single storey extensions to rear**

Monitoring Officer Procedural Briefing and Recommendation

Adjourned Annual Council Meeting

10 May 2017

Background:

At its meeting on 13 March 2017, the Development Management Committee considered a planning application for the relocation of Torbay School to MyPlace, Parkfield, Colin Road, Paignton and the construction of a new single storey extensions to help accommodate the school. The officer recommendation to the Committee was conditional approval. The Committee resolved to refuse the application on the grounds of overdevelopment on the site and the impact the proposal would have on neighbouring properties by reasons of the proximity to these properties. However this was outside the Terms of Reference of the Committee and therefore the Executive Head of Business Services has referred the Application to Council for decision.

The proposals are now presented to Council for consideration. Further supporting information is presented along with the application proposals to address, as far as practicably possible, the concerns raised by the Development Management Committee meeting on 13 March 2017.

Predetermination and Bias:

Along with pecuniary and non pecuniary interests, members need to ensure there can be no question of predetermination or bias when considering Planning Applications. Whilst members of the Development Management Committee have made their views known at the meeting on 13 March 2017, they need to keep an open mind about the issue and listen to the views of all sides. Unless they are able to do this, they should withdraw from the debate and vote.

Procedural matters:

The Council's Constitution sets out at Standing Order A23 procedures for representations in respect of Planning and Licensing Applications. Standing Order A16 sets out Rules of Debate to manage debate at Council meetings. It is very rare that Planning Applications are presented to full Council for consideration and the Rules of Debate do not reflect the custom and practice of the debate at Development Management Committee. Therefore, to ensure consistency with how planning applications are considered, the Monitoring Officer is presenting the following procedural recommendation for determination to apply to the Council's consideration of the Planning Application.

Monitoring Officer's Procedural Recommendation:

- (i) That Council suspends Standing Order A16.6 to A16.9 and adopts the following procedure for consideration of Planning Application P/2017/0121:
 - (a) Standing Order A23.3 (i) to (iv) to be followed in respect of representations as follows:
 - (i) introduction of item by officer;
 - (ii) representations by objector(s) (5 minutes);
 - (iii) representations by applicant, agent or supporters (5 minutes);
 - (iv) officers to comment if necessary on matters raised above;
 - (b) Questions by members to the Planning Officers in respect of the application;
 - (c) Once all questions have been asked, a motion will be put forward and seconded to open the application for debate, the options for the motion include:
 - 1. Approval (with or without conditions); or
 - 2. Refusal (with reasons); or
 - 3. Deferment for further information or a site visit; or
 - 4. Delegation for determination by an officer or other Committee of the Council
 - (d) Members may speak more than once on a motion;
 - (e) During the debate if any further additions (such as reasons for refusal or additional conditions) are suggested to the motion, the Chairwoman will seek consent of the proposer and seconder for these to be included in the original motion. If consent is not forthcoming, then a further motion can be moved once the motion on the table has been dealt with;
 - (f) Prior to the vote on the motion, the Chairwoman will confirm the details of the motion, including asking the Planning Officer to clarify if there are any additional technical conditions required or reasons for refusal; and
 - (g) A vote will be taken on the motion and the Chairwoman will announce the result of the vote. If the motion fails the Chairwoman will invite members to propose an alternative motion which will be subject to debate prior to the vote and following (c) to (f) above; and
- (ii) That the Monitoring Officer is authorised to update the Constitution to reflect this practice for consideration of future Planning Applications by full Council and Development Management Committee.

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