
To: Cabinet Member for Policing and Equalities

21 March 2022

Subject: Amendment to Constitution -

The Code of Good Planning Practice for Members and Employees Dealing with Planning Matters

1 Purpose of the Note

- 1.1 To inform the Cabinet Member for Policing and Equalities of the outcome of the discussions by the Planning Committee regarding the proposed amendments to the Code of Good Planning Practice for Members and Employees Dealing with Planning Matters (Revised Planning Code) at their meeting on 17 March 2022.

2 Recommendation

- 2.1 The Cabinet Member is requested to:-

2.1.1 Consider the modifications proposed by the Planning Committee (as detailed below);

2.1.2 Note that the Planning Committee endorsed the Revised Planning Code with the modifications (as detailed below).

3 Background and Information

3.1 The Planning Committee considered the Revised Planning Code on 17 March 2022.

3.2 Members of the Committee endorsed the proposed revisions to the Planning Code with the following modifications:

- a) At paragraph 1.2 (part of the introduction) in the third sentence, the word 'your' needs to be replaced by 'their'. The updated paragraph will read as follows:

1.2 Members and or Employees of the Local Planning Authority should undertake their duties with an open mind and make planning decisions openly, impartially, with a sound judgement and for justifiable reasons. Members are also democratically accountable decision takers who have been elected to provide and pursue policies. Members are entitled to be predisposed to make planning decisions in accordance with their political views and policies provided that they have considered all material

considerations and have given fair consideration to relevant points raised.

- b) Paragraph 7.3.3 and 7.3.4 (which relate to what Members should keep in the front of their mind when making a decision) to be amended to allow more flexibility in line with the planning guidance entitled *Determining a Planning Application*, which can be found at: <https://www.gov.uk/guidance/determining-a-planning-application>. This guidance is from the Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government and was originally published on 6 March 2014. The guidance sets out the process and expectations on planning performance and decision making. The revised paragraphs 7.3.3 and 7.3.4 have in particular been updated with reference to paragraph 16 of the guidance: *How must elected councillors and other members of the local authority consider planning applications?* The updated paragraphs will read as follows:

- 7.3 Members should keep at the front of their mind that, when they come to make the decision, they:...**
- 7.3.3 represent the interests of the whole community,**
- 7.3.4 must do so in accordance with the development plan (Local Plan) unless material considerations indicate otherwise,**
- 7.3.5 must only take into account material planning considerations, which can include the views of the public where they relate to relevant planning matters (Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons),**
- 7.3.6 are to come to a decision after giving what they feel is the right weight to those material planning considerations.**

- c) Removal of “Part 4C” from the header and title and simply naming the document as – *Code of Good Practice for Members and Employees Dealing with Planning Matters* – on the basis that this document will be removed from the body of the Constitution and will instead be appended to the Constitution.

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