

PLANNING COMMITTEE

Monday 18th May 2020 at 6.00pm
www.kettering.gov.uk/youtube

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This is a virtual meeting of the Planning Committee to be held using Zoom and live-streamed via YouTube.

Committee Members, officers and registered speakers will be sent Zoom meeting joining instructions separately

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Working with and on behalf of local people

A G E N D A

1. Apologies
2. Declarations of Interest
 - (a) Personal
 - (b) Prejudicial
3. Minutes of the meetings held on 10th March 2020 to be approved as a correct record and to be signed by the Chair when practicable
4. Any items of business the Chair considers to be urgent
5. Protocols for Remote Planning Committees
6. Scheme of Delegation - Temporary Amendments

BOROUGH OF KETTERING

PLANNING COMMITTEE

Meeting held: 10th March 2020

Present: Councillor Mark Rowley (Chair)
Councillors Linda Adams, Clark Mitchell Cliff Moreton, Jan O'Hara, Greg Titcombe, Lesley Thurland

19.PC.55 ELECTION OF CHAIR

In the absence of the chair or deputy chair of the Planning Committee, members were asked to nominate a temporary chair for the meeting

It was then proposed by Councillor Thurland and seconded by Councillor Adams that Councillor Rowley be nominated chair of the meeting.

RESOLVED that Councillor Mark Rowley be appointed Chair of the Planning Committee for the duration of the meeting.

(Councillor Rowley took the Chair)

19.PC.56 APOLOGIES

Apologies for absence were received from Councillors Shirley Stanton and Ash Davies.

19.PC.57 MINUTES

RESOLVED that the minutes of the meetings of the Planning Committee held on 11th February 2020 be approved as a correct record

19.PC.58 DECLARATIONS OF INTEREST

None

19.PC.59 ANY ITEMS OF BUSINESS THE CHAIR CONSIDERS TO BE URGENT

None.

PLANNING APPLICATION REPORTS

The Committee considered the following applications for planning permission, which were set out in the Head of Development Control's Reports and supplemented verbally and in writing at the meeting. Seven speakers attended the meeting and spoke on applications in accordance with the Right to Speak Policy.

The reports included details of applications and, where applicable, results of statutory consultations and representations which had been received from interested bodies and individuals, and the Committee reached the following decisions:-.

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.1 Full Application (EIA): Construction work for the dualling of A509 between A14 jct 9 and Symmetry Park employment site, with new roundabout, associated drainage, lighting and landscaping at A509 Kettering Road, & land adj, Kettering for DB Symmetry (Kettering) LLP</p> <p>Application No: KET/2019/0666</p> <p><u>Speaker:</u></p> <p>Martin Evans attended the meeting and addressed the committee as a third party objector to the proposed development raising concerns regarding the flood prevention measures associated with the application. Mr Evans also stated that a sufficient on site solution was required.</p> <p>Councillor Graham Rait attended the meeting and addressed the committee as a representative of Isham Parish Council stating that the current/proposed road designs were not sufficient to deal with the major increase in traffic volume and that there would be a dangerous build up in traffic surrounding Isham and the development.</p> <p>Peter Frampton attended the meeting and addressed the committee as the agent on behalf of the application. Mr Frampton stated that the traffic impact assessment had been dealt with as part of the outline application and that the proposed development represented that first phase of the much demanded Isham bypass</p>	<p>Members received a report about a proposal for which consent was being sought with Environmental Impact Assessment (EIA), to dual the A509 between A14 junction 9 and the Symmetry Park employment site access, with new roundabout, associated drainage, lighting and landscaping.</p> <p>It was heard that the proposal was to dual the existing A509, with the existing road forming the south bound dual carriageway and a new constructed element to the west forming the north bound dual carriageway. The dualling was to extend for approximately 1 km from Junction 9 of the A14 to the new roundabout and was to have a 50mph speed limit.</p> <p>Members questioned whether adequate provisions were in place regarding the mitigation of flood risks associated with the proposed development. It was confirmed by officers that the Environmental Agency who are the lead on flood risk management were satisfied with the current proposals.</p> <p>Members then agreed that the proposed development was satisfactory and saw no issue with approving the application as per the officer's recommendation.</p> <p>It was agreed that the application be APPROVED subject to the following conditions:</p>

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The development hereby permitted shall not be carried out other than in accordance with the following approved plans and information detailed below:

- Environment Statement and Appendices (September 2019)
- Environmental Statement Addendum (December 2019)
- Dwg no: 13-170-K006-Dualling- Wider Location Plan-A-
- Dwg no: 13-170-P100-Dualling Location Plan-C
- Dwg no: 70061010-WSP-HAC-A509-DR-CH-0104_Long and Cross Section
- Dwg no: 70061010-WSP-HAC-A509-DR-CH-0105 - 0107_Contour Drawing
- Dwg no: 70061010-WSP-HAC-C26-DR-CH-0101-0103_GA
- Dwg no: 70061010-WSP-HDG-A509-DR-CD-0501-B
- Dwg no: 70061010-WSP-HLG-A509-DR-EO-1300

Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

3. The development shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy Report (ref: 70061010-FLD-001) dated September 2019 and the Technical Note (ref: 1010-TN-001 Rv2) dated 10 February 2020 and the following mitigation measures it details:
 - Compensatory floodplain storage shall be provided as set out in drawing 'Flood Compensation Areas Calculated 100yr 65% cc' (ref: 1010-FL-002 [rev P02]).
 These mitigation measures shall be fully implemented prior to completion of the development and in accordance with the scheme's timing/phasing arrangements as set out in the CMP (as approved in condition 5). The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
4. The development hereby permitted shall not be carried out other than in accordance with Section 6 (Ecology and Nature Conservation) and its associated appendices 6.1 (Ecology Baseline r014) and 8.2 (Arboricultural Assessment, Rev 013b) approved in Volume II of the Main Environmental Statement (ES). Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.
5. Prior to the commencement of any works (including earthworks) a detailed Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Highways England. This CMP shall consider details of all construction works (on and off-site) including piling works and shall incorporate a Construction Traffic Management Plan (CTMP) for all construction works associated with the development including construction traffic routing. The CMP and CTMP shall include any construction details that relate to construction works for Symmetry Park under approval KET/2018/0965 that may be carried out at the same time. The approved CMP and CMTP shall be adhered to throughout the construction period of the development.
6. Prior to the commencement of development (including earthworks and site clearance) a Construction Environmental Management Plan (CEMP: Biodiversity) and/or Ecological Construction Method Statement (ECMS) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- g) Relevant details that relate to Biodiversity construction works associated with Symmetry Park under approval KET/2018/0965 that may be carried out at the same time.

The approved CEMP: Biodiversity or/and a separate ECMS shall be adhered to throughout the construction period of the development.

7. Prior to the commencement of development, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The plan will be implemented in accordance with the approved details and remain in place thereafter.

8. Prior to the commencement of any works (including earthworks) full details of the surface water drainage scheme for the site, based on the approved details shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall remain in that form thereafter. The scheme shall include:
 - i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required).
 - ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations to meet requirements as agreed with the Lead Local Flood Authority and Highways Authority.
 - iii) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices.

- iv) A detailed scheme for the ownership and maintenance for every element of the surface water drainage system including a maintenance plan which shall be carried out in full thereafter.
9. No construction of the road carriageway shall take place until an agreement has been completed with the Local Highway Authority under the provisions of Section 38 and Section 278 of the Highways Act 1980, and notification of the completed agreement(s) has been provided to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and remain in that form thereafter.
10. No development shall take place within the area of archaeological interest until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:
- (i) Approval of a Written Scheme of Investigation;
 - (ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;
 - (iii) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;
 - (iv) Completion of analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.
11. Prior to installation of any permanent lighting and notwithstanding submitted lighting information, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of the impact of lighting on biodiversity (including bats) and a revised 'Proposed Road Lighting Layout' that seeks to avoid illumination of Pytchley Brook with cross-section diagrams to show how light toward Pytchley Brook would be intercepted. The lighting and lighting mitigation measures shall be installed in accordance with the approved information prior to completion and shall remain in that form thereafter.
12. Prior to landscaping works being carried out and notwithstanding the submitted landscaping scheme a revised landscaping scheme which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted and any existing trees to be retained shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out in the first planting and seeding seasons following first operational use of the development, unless these works are carried out earlier. Any newly approved trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
13. Prior to first operational use of the development a Verification Report for the installed surface water drainage system for the site based on the approved details shall be

submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

- a) Any departure from the agreed design is keeping with the approved principles
- b) Any As-Built Drawings and accompanying photos
- c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- e) Confirmation that the system, at the time of the verification report, is free from defects and foreign objects.

14. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. A risk assessment shall be undertaken to assess the nature and extent of the contamination and work shall cease on the land affected by the contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence on that part of the site.

(Members voted on the officers' recommendation to approve the application)

(Voting: Unanimous)

The application was therefore

APPROVED

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.3 Full Application: Replace existing single storey garage and utility area with two storey side extension and single storey rear extension at 23 Greenfield Avenue, Kettering for Mr D Mrs and M McFarlane</p> <p>Application No: KET/2019/0773</p> <p><u>Speaker:</u></p> <p>Mr J A Bingham attended the meeting and addressed the committee as a third party objector to the proposed development. Mr Bingham stated that the proposed development if approved would have a detrimental impact on the amenity of his property and would result in a loss of light meaning an increase in the use of artificial lighting and electricity bills. Mr Bingham stated that a measurement stated in the report was incorrect; the distance between his property and the site was less than stated.</p> <p>Phillip Evans attended the meeting and addressed the committee as the agent on behalf of the application stating that the proposed development was acceptable in planning criteria and that due to the position of the building and other available sources of natural light, the development would not have a negative impact on neighbouring properties.</p>	<p>Members received a report about a proposal for which planning permission was being sought for a two-storey extension and conversion of the existing garage, to provide an enlarged kitchen/diner, utility and store-room to ground floor and relocation of downstairs W.C and creation of an additional bedroom and bathroom and enclosure for boiler to first floor.</p> <p>Clarification was provided to members which stated that the separation distance between the application site and neighbouring property was 4.5m and not 6.5m as stated in the officer's report. Officers stated that this did not alter to assessment and conclusion that the proposal would not have a significant impact on amenity and the application should be approved.</p> <p>Members raised concerns regarding the possible loss of natural light to neighbouring properties. It was confirmed to members that as the application site was to the North of the neighbouring property and that there was no impact on neighbouring natural light.</p> <p>It was agreed that the application be APPROVED subject to the following conditions:</p>

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The window serving the first floor landing on the south elevation shall only be glazed with obscure glass (no less than privacy level 5 Pilkington Standard, or equivalent) and shall be of non-opening type (sealed shut) and shall be permanently retained in that form thereafter.
3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking

and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Class A shall be made in the south (side) elevation of the building.

4. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture, those on the existing building.
5. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.

(Members voted on the officers' recommendation to APPROVE the application)

(Voting: For: 4; Against 2)

The application was therefore
APPROVED

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.5 Full Application: Conversion of outbuildings for A4 use (drinking establishment), single storey glazed extension and covered seating area. Demolish 1 no. outbuilding, replacement gates and boundary wall with render. Use of hardstanding as beer garden at 13-15 Dalkeith Place, Kettering for Wetherspoon.</p> <p>Application No: KET/2019/0854</p> <p><u>Speaker:</u></p> <p>Timothy Cross attended the meeting and addressed the committee as a third party objector to the proposed development stating that it would have a detrimental impact on his business due to noise/odour pollution as well as a flood risk due to the proximity of the proposed toilet block.</p>	<p>Members received a report about a proposal for which Planning consent was being sought for the conversion of outbuildings to A4 (drinking establishment) use and a single storey glazed extension. It was also proposed to remove an external wall to one of the existing outbuildings, whilst retaining its roof to create a covered seating area, replace the access gates and boundary wall with use of the outside space as a beer garden. Internal modifications within the existing PH were also proposed with much of the first floor proposed to be used as a kitchen.</p> <p>Members raised concerns regarding the proximity of the toilet block to the rear boundary which could possibly have a detrimental effect on neighbouring business/property amenity.</p> <p>Following debate it was proposed by Councillor O'Hara and seconded by Councillor Adams that condition 6 be amended and an additional condition be included with regards to noise mitigation</p> <p>Members then agreed that the proposed development was satisfactory and saw no issue with approving the application as per the officer's recommendation with the additional condition.</p> <p>It was agreed that the application be APPROVED subject to the following conditions:</p>

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans detailed below.
3. The development shall be carried out in accordance with an external materials and finish schedule and boundary treatment details that shall first be submitted to and approved in writing by the local planning authority. The development shall remain in that approved form thereafter.

4. The development shall be carried out in accordance with a scheme detailing the security measures/ standards to be incorporated into the development that shall first be submitted to and approved in writing by the local planning authority. The provided scheme shall only allow use of the access gates serving the 'beer garden' by patrons for emergency purposes and shall include details of how access shall be controlled including surveillance measures. The development shall remain in that approved form thereafter.
5. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall remain in that form thereafter.
6. Prior to any development above slab level, a noise assessment detailing the impact on noise sensitive properties shall be undertaken in accordance with BS41412:1999 (or later amendments) and submitted to the Local Planning Authority for approval, including noise mitigation measures required. The required noise mitigation measures shall be installed in accordance with the approved details before first use and maintained in the approved state in perpetuity.
7. No development above slab level shall take place on site until a scheme for sound proofing the internal walls on the north east elevation, comprising water closets, as shown on drawing 6845 06 Rev, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme and the scheme shall be completed before the use is commenced.
8. The use of the outdoor 'beer garden' and 'covered area' hereby approved and shown on approved plan P-101B, shall not be carried out before 09:00 hours or after 21:00 hours on Mondays to Thursdays, nor before 09:00 hours or after 22:00 hours on Fridays and Saturdays, nor before 09:00 hours or after 21:00 hours on Sundays or any recognised public holidays.
9. There shall be no public address or other sound amplification system installed or used at any time on the site.
10. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

(Members voted on the officers' recommendation to approve the application)

(Voting: Unanimous)

The application was therefore

APPROVED

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.6 Full Application: Replacement gate in existing opening. Proposed store/outbuilding and repointing of all elevations at 20 Corby Road, Little Oakley for Mr & Mrs Ravenscroft</p> <p>Application No: KET/2019/0867</p> <p><u>Speaker:</u></p> <p>Peter Ravenscroft attended the meeting and addressed the committee as the applicant for the proposed development stating that the applications brought before the committee were necessary in order to modernise the house and to ensure that all of the building within the land were of the same materials. Mr Ravenscroft also stated that there was no impact on neighbouring amenities.</p>	<p>Members received a report about a proposal for which full planning permission was being sought for:</p> <ul style="list-style-type: none"> • Removal of an existing timber outbuilding and lean-to style outbuilding, and the erection of a single storey timber framed outbuilding with a corrugated metal roof • Replacing the existing gate posts and picket style gate with new timber posts and a 5-bar timber gate • Insertion of single pan-tile vent in the tiled front roof slope of the two-storey part of the dwellinghouse • Re-pointing of the stonework on the dwellinghouse's front, side and rear elevations <p>Members then agreed that the proposed development was satisfactory and saw no issue with approving the application as per the officer's recommendation.</p> <p>It was agreed that the application be APPROVED subject to the following conditions:</p>

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The development hereby permitted shall not be carried out other than in accordance with the approved Method Statement KET/2019/0867/2 received on 27th January 2020.
3. The hereby approved outbuilding shall be externally finished in oak cladding and corrugated dark grey tin roofing materials in accordance with Drawing Number: 1907-02, received 9th December 2019.
4. The hereby approved outbuilding (as shown on Drawing Number: 1907-02, received 9th December 2019) shall be used only for purposes incidental to the enjoyment of the dwellinghouse as such.

(Members voted on the officers' recommendation to approve the application)

(Voting: Unanimous)

The application was therefore

APPROVED

19.PC.60.5 KET/2019/0868

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.7 Full Application: Replacement gate in existing opening. Proposed store/outbuilding and repointing of all elevations at 20 Corby Road, Little Oakley for Mr & Mrs Ravenscroft</p> <p>Application No: KET/2019/0868</p> <p><u>Speaker:</u></p> <p>Peter Ravenscroft attended the meeting as addressed the committee as the applicant for the proposed development stating that the applications brought before the committee were necessary in order to modernise the house and to ensure that all of the building within the land were of the same materials. Mr Ravenscroft also stated that there was no impact on neighbouring amenities.</p>	<p>Members received a report about a proposal for which Listed Building Consent was being sought for:</p> <ul style="list-style-type: none">• Internal improvements and alterations comprising of removal and re-positioning of internal walls on ground-floor; removal and re-positioning of internal walls on first-floor; replacement of internal window in first-floor; removing old kitchen and bathroom fittings and replacing with new• Removal of an existing timber outbuilding and lean-to style outbuilding, and the erection of a single storey timber framed outbuilding with a corrugated metal roof• Replacing the existing gate posts and picket style gate with new timber posts and a 5-bar timber gate• Insertion of single pan-tile vent in the tiled front roof slope of the two-storey part of the dwellinghouse• Re-pointing of the stonework on the dwellinghouse's front, side and rear elevations <p>Members then agreed that the proposed development was satisfactory and saw no issue with approving the application as per the officer's recommendation.</p> <p>It was agreed that the application be APPROVED subject to the following conditions:</p>

1. The works to which this consent relate shall be begun before the expiration of 3 years from the date of this consent.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and information detailed below:
 - a) Proposed Plans, Sections & Elevations (Drawing Number 1907-02 Rev B; received 29th January 2020)
 - b) Method Statement (Reference Number KET/2019/0868/2; received 27th January 2020).

(Members voted on the officers' recommendation to approve the application)

(Voting: Unanimous)

The application was therefore
APPROVED

19.PC.60.6 KET/2019/0898

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.8 Full Application: Replacement dwelling at 84 Warkton Lane, Kettering for Mrs A Shukla</p> <p>Application No: KET/2019/0898</p> <p><u>Speaker:</u></p> <p>None</p>	<p>Members received a report about a proposal for which planning consent was being sought to demolish the existing dwelling and erect a new two storey detached dwelling with attached swimming pool.</p> <p>Members then agreed that the proposed development was satisfactory and saw no issue with approving the application as per the officer's recommendation.</p> <p>It was agreed that the application be APPROVED subject to the following conditions:</p>

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.
3. No development above building slab level shall commence on site until details of the types and colours of all external facing and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in the first floor North and South elevations or roof planes of the building.
5. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.
6. Prior to the commencement of development including demolition, a Demolition and Construction Management Plan which shall include details of suitable access and egress from the site for construction vehicles and measures to minimise dust from the works shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the demolition and construction works.
7. The parking area hereby approved shall be provided prior to the first occupation of the building hereby permitted and shall be permanently retained and kept available for the parking of vehicles.

8. The development hereby permitted shall not be occupied until visibility splays of 2 metres by 2 metres have been provided at the junction of the access road with the public highway, and these splays shall thereafter be permanently kept free of all obstacles to visibility over 0.9 metres in height above carriageway level. REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.
9. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.
10. The dwelling hereby permitted shall not be occupied until details of hard and soft landscaping to the front of building has been submitted and approved in writing by the Local Planning Authority. The approved landscaping shall be maintained as approved thereafter.
11. No development other than demolition shall take place until a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
12. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, B, C, D and E of Part 1 of Schedule 2 of the Order shall be erected or constructed on the application site.

(Members voted on the officers' recommendation to approve the application)

(Voting: Unanimous)

The application was therefore

APPROVED

19.PC.60.7 KET/2019/0701

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.2 Full Application: External wall render at 17 Regal Drive, Kettering for Mrs K Lisowska</p> <p>Application No: KET/2019/0701</p> <p><u>Speaker:</u></p> <p>None</p>	<p>Members received a report about a proposal for which planning consent was being sought for the installation of external wall insulation finished in a cream render (Pastel 001) as stated in the application form. The wall installation has a thickness of 53mm. The installation will be on the front, side and rear elevations.</p> <p>Members then agreed that the proposed development was satisfactory and saw no issue with approving the application as per the officer's recommendation.</p> <p>It was agreed that the application be APPROVED subject to the following conditions:</p>

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The finished colour of the external wall insulation shall be cream (Pastel colour 001) as confirmed in the application form.

(Members voted on the officers' recommendation to approve the application)

(Voting: Unanimous)

The application was therefore
APPROVED

19.PC.60.8 KET/2019/0789

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.4 Full Application: Replace boundary fence with brick wall and gates. Outbuilding to rear (Part Retrospective) at 115 Dunkirk Avenue, Desborough for Mr D Nolan</p> <p>Application No: KET/2019/0789</p> <p><u>Speaker:</u></p> <p>None</p>	<p>Members received a report about a proposal for which planning permission was being sought for the replacement boundary fence with a brick wall and gates with an outbuilding/garage. The scheme is part retrospective with the replacement wall and the garage partially completed. This work has since ceased on site.</p> <p>Members then agreed that the proposed development was satisfactory and saw no issue with approving the application as per the officer's recommendation.</p> <p>It was agreed that the application be APPROVED subject to the following conditions:</p>

1. The development hereby permitted shall not be carried out other than in accordance with the plan numbers S01, SK01, SK02, SK02, SK03A received on 08/11/19.
2. The materials to be used in the construction of garage/outbuilding hereby permitted shall be those as stated in the application form.

(Members voted on the officers' recommendation to approve the application)

(Voting: Unanimous)

The application was therefore
APPROVED

**(The Committee exercised its delegated powers to act in the matters marked *)*

(The meeting started at 6.30 pm and ended at 8.22 pm)

Signed.....

Chair

Committee	PLANNING COMMITTEE	Item 5	Page 1 of 5
Report Originator	Interim Head of Development Services	<i>Fwd Plan Ref No:</i> N/A	
Wards Affected	ALL	18 th May 2020	
Title	Protocols for Remote Planning Committees		

1. PURPOSE OF REPORT

- 1.1 To adopt temporary protocols to enable this committee to be held remotely, so that they can take place and properly function during the COVID19 lockdown and any subsequent restrictions on meeting or gatherings.

2. INFORMATION

2.1 Introduction

Secondary legislation in the form of [*The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020*](#) came into effect on 4th April 2020 which allows for and sets out the requirements for holding remote meetings. These Regulations apply until the 7th May 2021.

- 2.2 The Council normally holds Planning, Planning Policy and other committees in the Council Chamber and other meeting rooms, with members of the public allowed to be present to observe proceedings and also interested parties being allowed to register to speak and attend to do so. The protocols and processes that control and set out how these committees are run, set out in the Council's Constitution, will need to be temporarily amended. This will need to reflect the changes that are required to hold them remotely through video conferencing software without disadvantaging any of the participants who currently engage in this process.

- 2.3 Since the start of the COVID19 crisis lockdown the Council has had to defer its committee meetings but the pressure of business remains. In particular, the government has encouraged local planning authorities to continue to progress planning applications, to aid the subsequent economy recovery that it is seeking.

2.4 Discussion

The Council has purchased video-conferencing technology (Zoom) through the County Council and has trialled this software with members and officers to ensure that it is able to be deployed over the Council's network. Members and officers have been trained in order to enable the transfer from physical meetings held in the Chamber to virtual meetings held over the internet to be as seamless as possible. A live feed of the virtual meeting will be broadcast over the YouTube app to comply with Article 13 of the regulations that allow public and press access to the meetings.

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- 2.5 Guidance has been published by the Local Government Association, Planning Advisory Service and other organisations as how best to amend Council protocols and processes in relation to holding virtual meetings. Other best practice guidance is emerging as more Local Authorities carry out meetings and learn how best they should be carried out.
- 2.6 In relation to changes required for the Council's Regulatory Committee processes and protocols, **Appendix 1** should be read in conjunction with the Constitution to understand how the Council's business will be transacted through remote meetings. **Appendix 2** provides a summary of the changes that will temporarily apply to the Constitution.
- 2.7 The principle of protocols and amendments to the Constitution to facilitate the temporary provision of remote meetings is to ensure that there is no reduction in transparency, nor the ability to scrutinise Council decisions and that there is no disadvantage incurred to members of the public wishing to participate or make representations and having these considered by the members in the normal manner.
- 2.8 This protocol covers the changes required in relation to how meetings will be notified and access to information; how remote access to meetings will be provided; the management of remote meetings for Members; remote attendance of meetings by the Public; meeting procedures and remote voting; declaration of interests; Member exclusion from the meeting and exclusion of the press and public; and access to meeting documentation following the meeting. **Appendix 3** provides an 'At a Glance' guide of remote meetings etiquette and how they will be conducted.
- 2.9 Specific issues for Planning and Planning Policy Committees - Statement of Community Involvement
- 2.9.1 Planning legislation requires that Local Planning Authorities (LPA) agree a Statement of Community Involvement (SCI), and that it is updated every 5 years. Kettering Borough's SCI was adopted in September 2019 jointly compiled and agreed with the other North Northamptonshire authorities. The purpose of the SCI is to help set out how we will consult in the preparation of plans and in determining planning applications. The SCI sits alongside other agreed Council policies and the Council's constitution.
- 2.9.2 The Planning Advisory Service has advised that LPAs need to check whether you can achieve everything the SCI sets out to do through remote meetings. The SCI only briefly refers to determining applications at committees (SCI para 6.15), it sets out that people may attend the meeting and will have the potential to address the committee. The proposals for the remote committees will still allow for the public to participate in meetings, so no change is required by changing the format of committees. To be clear on the arrangements around remote committees, the approach will be posted on the Council's website, along with a protocol to guide involvement in future committees. To help manage

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speakers under the Right to Speak, until further notice those wishing to use the Council's Right to Speak Policy for Regulatory Committees (Planning and Licencing) and Planning Policy must register with Legal & Democratic Services by midday the working day before the committee meeting either by telephone, email or via a website request form. This will allow the Council time to establish with the individual how their involvement can best be achieved.

https://www.kettering.gov.uk/forms/form/390/en/planning_-_right_to_speak

2.9.3 The SCI also provides specific requirements on how the authority publicises planning applications, it stipulates that consultations can take many forms including letters or e-mail, site notices and advertisements in newspapers. Throughout the lockdown period, a small team of staff have continued to receive and process applications, undertaking consultations and neighbour notifications, as well as posting site notices and ensure public notices appear in the local media. The SCI has been fully complied with through this part of the planning application process.

2.9.4 Finally, the SCI emphasises that applications should be made accessible for the public, and that any comments will be placed on the planning application file and will be available for public inspection – full accessibility to the Planning Register. Clearly, applications can still be inspected on-line, but application files are not available for public inspection as the offices remain closed to the public. It is proposed that to address this shortfall, that whilst the offices are closed to the public, staff will send by e-mail or post copies of those parts of an application file that customers request. This is mainly third party representations which are not posted to the Council website apart from applications which require Environmental Impact Assessments (EIA). Those documents will be redacted to meet GDPR requirements. PAS guidance reminds councils of the need for openness, therefore, to ensure the public is aware of the extended service during the lockdown period, it will be publicised on the Council's website pages.

2.10 Proposal

Officers recommend that Members approve the procedures and protocols set out in Appendices 1, 2 and 3 and approve the use of video-conferencing software to enable Council Committees to be held remotely for the duration of the period set out in the Coronavirus Act 2020.

2.11 Officers recommend that Members approve the proposed temporary amendments to the practices set out in the Constitution as described in Appendix 2, to enable the provision of remote meetings.

2.12 Officers recommend that details of revised protocols and procedures for members and the public to access remote meeting be posted on the Council's website.

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3. CONSULTATION AND CUSTOMER IMPACT

- 3.1 There is likely to be a very minor impact on the ability of customers of the Council to engage in Council meetings due to the barriers imposed by utilising video-conferencing software and this is likely to be borne most heavily by groups who are elderly and those with less financial means (see 5.1 below). However, the Council considers that the mitigation measures and adaptations that have been put in place through these procedures and protocols will mean that there has been no net disadvantage caused to persons wishing to participate in Council meetings as a result.

4. POLICY AND RESOURCE IMPLICATIONS

- 4.1 The adoption of temporary procedures and protocols in respect of remote committee meetings, during this unprecedented period of national lockdown, will allow the Council to continue to conduct its business within current resources available and technological constraints.

5. LEGAL AND EQUALITY IMPLICATIONS

- 5.1 The Council can amend its Constitution at any time. The revisions to the Constitution are permitted through the powers set out in the *Coronavirus Act 2020* and the procedures and protocols for remote meetings are in accordance with *The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020*
- 5.2 It is recognised that that some persons who ordinarily would be able to participate in the Council's meetings in person will not be able to participate in remote meetings due to physical or other disability or because they lack the technological capability to do so. It is believed that this will only be a small minority of persons, but will likely disproportionately affect older persons and those of less financial means. Facilities will be available for people to view a live stream of the meeting on YouTube and for public speakers to either participate in the meeting during their representation or to submit representations in pre-recorded or written form and to have these played or read out on their behalf. Additionally, facilities can be made available in the Council offices for someone to attend and participate in the meeting by virtual means, whilst protecting social distancing requirements.
- 5.3 The Council is of the view that in passing the Regulations to permit remote meetings, the Government has both considered this impact and also set out the importance of holding council meetings during the coronavirus emergency.
- 5.4 Therefore, having given its obligations under s149 Equality Act due regard, it considers the public interest in public elected member decision-making resuming outweighs the impacts on any persons who may not be able to participate. It is

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also mindful of the current statutory prohibition on public gatherings when alternative means are available and it considers that the regulations allowing remote decision making is such an alternative which should be used.

- 5.5 The Council will also consider any other requests for reasonable adjustments to be made in order to allow parties to be involved in remote Council meetings as far as circumstances at the time of the meeting allows.
- 5.6 In addition, the Council will review and monitor the operation of its remote decision making and make adjustments when it considers it can further mitigate any adverse impact.

6. CLIMATE CHANGE IMPLICATIONS

- 6.1 This may have a minor positive benefit for Climate Change implications as members of the Council, officers and the public will not have to drive to the Council offices to participate and this will reduce carbon emission to a small extent.

7. RECOMMENDATION

- 7.1 Officers recommend that Members approve the procedures and protocols set out in Appendix 1, 2 and 3 and approve the use of video-conferencing software to enable Council Committees to be held remotely for the duration of the period set out in the Coronavirus Act 2020.
- 7.2 Officers recommend that Members approve the proposed temporary amendments to meeting procedures, as set out in Appendix 2, to enable the provision of remote meetings.
- 7.3 Officers recommend that details of revised protocols and procedures for members and the public to access remote meetings be posted on the Council's website.

Background Papers:

Title

Date

Contact Officer

Previous Minutes/Reports:

Ref:

Date:

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PROTOCOL AND PROCEDURES FOR REMOTE COMMITTEE AND OTHER MEETINGS OF KETTERING BOROUGH COUNCIL

Introduction

This Protocol should be read in parallel with part 4 of the Borough Council's Constitution: Rules of Procedure (Standing Orders). It provides the means and guidance for the conduct of any remote meetings of the Council, its various Committees and Sub-Committees.

The Regulations, made under section 78 of the Coronavirus Act 2020, apply notwithstanding any other legislation or current or pre-existing standing orders or any other rules of the Authority governing meetings and remain valid until 7th May 2021. This means that, wherever there is a conflict, this Protocol and Procedure for Remote Meetings takes precedence in relation to any remote meeting.

Terminology

In this protocol the following terms are used

Chair – the elected member who is appointed or elected to chair the meeting

Committee Manager – the KBC officer appointed to manage access to the meetings, advise the chair on procedure and protocol and ensure all who have a right to participate in the meeting are enabled to do so effectively

Democratic Services Officer – the person taking the minutes

Legal Officer – the Committee's legal adviser.

Planning Officer – the officer providing advice and information to the committee on each application before it.

1. How will Meetings be notified and papers be provided?

- 1.1. Meetings of the Council are published on the Council's website with agenda and reports uploaded 5 working days before the meeting is due to take place.
- 1.2. The proper officer will continue to ensure that this is the case and the 'place' at which the meeting is to be held, i.e. for remote meetings the video-conferencing internet address, will be written on the front of the agenda with access details for that meeting provided.
- 1.3. Members will also be notified of any remote meeting by email and access to all agenda papers will be provided via the Authority's website and by physical delivery of papers to Committee members and relevant officers.

1A Access to Information

For the purposes of the Constitution the terms "place of meeting", "place", "meeting" shall also mean a virtual meeting as defined by a video-conferencing web address and all information relating to this shall be accessible from the Council's website – www.kettering.gov.uk

For the purposes of the Constitution the terms "agenda" and "reports" will refer to those posted on the Council's website.

Amends Part 4A 6 (Time and Place of Meetings), 4A 7 (Notice of Summons to Meetings), 4D 4 (Notice of Meetings), 4D 5 (Access to Agendas and Reports Before the Meeting), 4D 6 (Supply of Copies)

2. How will remote access to Meetings be provided?

- 2.1. Members and members of the press and public will be encouraged to use any video conferencing facilities provided by the Council to attend and participate (members and public speakers) in a meeting remotely or to observe the meeting via live audio and video feeds (press and public). Information on how to watch the live feed will be published on the front of each meeting agenda.
- 2.2. If technology fails for a wholly virtual meeting, and the meeting is therefore no longer open to the public, any decisions made could be challenged as unlawful and the meeting must be halted either temporarily or completely, depending on the length in time of the failure.
- 2.3. It is important to note that the public viewing the meeting by remote means, as described here, is different from the public attending to exercise a right to speak. A technological failure that removes the ability for the public to view the meeting by remote means may render the whole meeting incapable of proceeding (as described above). A member of the public who attends to exercise their right to speak and is unable to do so where the fault lies with the technology provided by the Council may render only their item incapable of proceeding (This is set out in paragraph 5 below).

2A Remote Access to Meetings

(a) If the Chair is made aware that the meeting is not accessible to the public to view through remote means, due to any technological or other failure of provision, then the Chair shall adjourn the meeting immediately. If the provision of access to view through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chair. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

Amends 4D 3(Rights to Attend Meetings)

3. Management of Remote Meetings for Members

- 3.1. Any Member participating in a meeting remotely, must when they are speaking, be able to be heard (and ideally seen) by all other Members in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other Members participating.
- 3.2. In addition, a remote participant must be able to be heard by, and in turn hear any members of the public entitled to attend the meeting and who exercise a right to speak at the meeting.
- 3.3. The Committee Manager will normally confirm at the outset of any virtual meeting and at any reconvening of it that they can see and hear all participating members. Any Member participating remotely should also confirm at the outset and at any reconvening of the meeting that they can see and hear the proceedings and the other participants and indicate to the Committee Manager if this is not the case.
- 3.4. The attendance of those members at the meeting will be recorded by the Democratic Services Officer.
- 3.5. The normal quorum requirements for meetings as set out in the Authority's Constitution will also apply to a remote meeting.
- 3.6. In the event of any apparent failure of the video, telephone or conferencing connection, the Chairman should immediately determine if the meeting is still quorate:
 - if it is, then the business of the meeting will continue; or

- if there is no quorum, then the meeting shall adjourn for a period specified by the Chairman, expected to be no more than ten or fifteen minutes, to allow the connection to be re-established.
- 3.7 Should any aspect of an individual's remote participation fail, the Chair may call a short adjournment of up to five minutes or so to determine whether the connection can quickly be re-established, either by video technology or telephone in the alternative. If the connection is not restored within that time, the meeting should continue to deal with the business whilst this happens, providing the meeting remains quorate and the public are able to hear.
- 3.8 In the event of connection failure, the remote Member(s) will be deemed to have left the meeting at the point of failure and if the connection cannot be re-established to those Member(s) before the end of the meeting, then the presumption will be that the meeting should continue to deal with the item/s.
- 3.9 If the connection is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of re-establishment.
- 3.10 If a connection to a Member is lost during a regulatory meeting, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, but the Member who was disconnected will not be able to vote on the matter under discussion as they would not have heard all the facts.

3A Members in Remote Attendance

- (a) A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting's quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:
- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance.
 - (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
 - (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- (b) A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in (a) above are not met. In such circumstance the Chair may, as they deem appropriate;
- (i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in (a) above to be re-established;
 - (ii) count the number of Members in attendance for the purposes of the quorum; or
 - (iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.

Amends Part 4D 9 of the Constitution, (Quorum)

4. Remote Attendance of the Public

- 4.1. Any member of the public participating in a meeting remotely in exercise of their Right to Speak at Council or in regulatory or other meetings must meet the same criteria as members of the Council. Members of the public participating in a meeting remotely must, likewise, when they are speaking be able to be heard (and ideally be seen) by all other Members in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other members participating be so heard and, where practicable, be seen by any other members of the public participating in the meeting.
- 4.2. The process for determining access to participate and speak at a meeting is in accordance with Article 4A 27 (Right to Speak) and 4J 2 (Development Control) and 4J 3.1/3.2 for the purposes of the regulatory committees. The regulatory committees includes the requirement of advance notification from members of the public wishing to attend remotely. For those items of business a request should be made by 12 noon the day before the commencement of the meeting and an invitation to participate in the remote technology will then be sent out in advance.
- 4.3. Members of the public who have registered to speak with the intention of attending remotely should sign into the meeting platform under the same name as they registered. Failure to do so may result in no admittance to the meeting.
- 4.4. In case of members of the public being unable to participate remotely, or wishing to have their representation recorded or read out they are invited to provide their representations beforehand, in an audio file and/or in writing to Democratic and Legal Services by 12 noon the day before the meeting. Submissions, petitions or questions received from the public can then be read out by the Chair or Committee Manager.
- 4.5. Speakers will be invited into the meeting via the Committee Manager and he/she will be able to remove them once they have spoken, or following the instruction of the Chair.

4A Remote Attendance by Members of the Public

(a) A member of the public entitled to attend the meeting in order to exercise a Right to Speak at the meeting is in remote attendance at any time if all three of the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:

- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, Members in attendance;
- (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
- (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

(b) A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in Standing Order 4A(a) above are not met. In such circumstance the Chairman may, as he or she deems appropriate:

- (i) adjourn the meeting for a short period to permit the conditions for remote attendance contained in Standing Order 4A(a) above to be re-established;
- (ii) suspend consideration of the item of business in relation to the member of public's attendance until such time as a following item of business on the agenda has been transacted and the conditions for the member of the public's remote attendance have been re-established or, on confirmation that this cannot be done, before the end of the meeting, whichever is the earliest; or
- (iii) continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.

© A member of the public if wishing to speak at the Planning or Licensing Committee shall register their requests with Democratic and Legal Services prior to 12 noon on the day before the meeting.

Amends Part 4A 11 of the Constitution, (Questions by the public), 4J 2.4 (Development Control) and amends any scheme for public participation in respect of planning, licensing and other committees

5. Meeting Procedures

- 5.1. The Committee Manager will support the Chair and their role will be to control the video, telephone or conferencing technology employed for remote access and attendance and to administer the public and Member interaction, engagement and connections on the instruction of the Chair.
- 5.2. The Chair will make introductions to the meetings and make clear he/she will introduce all speakers by name (members, officers, public speakers) prior to them speaking.
- 5.3. Members of the meeting and those appearing to speak, will be asked by the Chair to mute all microphones and only speak when invited to do so by the Chair. Members will be asked by the Chair to refer to report page/paragraph numbers when referring to officer reports in advance of speaking on that matter. A short period may be given to allow all members to locate this part of the report.
- 5.4. Members are asked to use the "raise hand" facility on the platform/visually signal if they wish to speak/ask questions at any point. Those wishing to speak to be noted by Committee Manager and communicated to the Chair
- 5.5. In respect of key committee meetings, it will assist the meeting if those Members who wish to speak on a particular item could also indicate in advance their wish to speak to the Chair and to the Committee Manager where possible.

- 5.6. The Chair will follow the rules set out in the Constitution when determining who may speak, as well as the order and priority of speakers and the content and length of speeches in the normal way.
- 5.7. The Chair, at the beginning of the meeting, will explain the protocol for member and public participation and the rules of debate. The Chair’s ruling during the debate will be final.
- 5.8. Members are asked to adhere to the following etiquette during remote attendance at a meeting:
- Committee members are asked to join the meeting **no later than fifteen minutes** before the start to allow themselves and the Committee Manager the opportunity to test the equipment;
 - Any camera (video-feed) should show a non-descript background and members should be careful to not allow exempt or confidential papers to be seen in the video-feed.
 - Type their name on joining the meeting in full, e.g., “Cllr Joanne Smith”
- 5.9. Where members of the public are exercising speaking rights at the meeting via remote attendance, the Chair will, as part of his or her introduction, explain the procedure for their participation which will reflect those relevant elements of the above. Members of the public must adhere to this procedure otherwise they may be excluded from the meeting.
- 5.10. When the Chair is satisfied that there has been sufficient debate and (if the rules of the meeting require) there is a proposer and seconder for the item being discussed the Chair will progress to making a decision. Unless a Recorded Vote is called, the method of voting will be the Chair requesting each member present to verbally indicate their vote as “for/against/abstain”, voting cards reading the same will also be provided to members should there be any audio issues.
- 5.11. A final tally of votes will be provided by the Democratic Services Officer, and the Chair then states the decision made as a result of vote.
- 5.12. Details of how individual Members voted will not be recorded in the minutes unless a Recorded Vote is called. Where a Recorded Vote is requested this must accord with Council’s constitution and the Democratic Services Officer will undertake this by asking each member in turn by name for their voting preference.

6. Declaration of Interests

- 6.1. Any Member participating in a remote meeting who declares a disclosable pecuniary interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting. Their departure will be confirmed by the Committee Manager who will invite the relevant Member email or telephone, to re-join the meeting at the appropriate time. Members must close their video and audio feeds to the meeting until requested to rejoin the meeting.

6A Members excluded from the meeting

Where a Member is required to leave the meeting, the means of remote attendance and access is to be severed both for video and audio feeds whilst any discussion or vote takes place in respect of the item or items of business which the member or co-opted member may not participate.

Amends Part 4A 29 (.Disclosable Pecuniary Interests) of the Constitution,

7. Exclusion of Public and Press

- 7.1. There are times when council meetings are not open to the public, when confidential, or “exempt” issues (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. Where remote technology is used, the Committee Manager will ensure that there are no members of the public in remote attendance or remotely accessing the meeting via a live stream and able to hear or see the proceedings once the exclusion has been agreed by the meeting. For the purposes of these instances the meeting will be divided into 2 parts and the confidential/exempt item will be held in the second part of the meeting and members will be requested to log in the meeting again without the live feed being broadcast or members of the public having access to the video-conferencing software.
- 7.2. Each Member in remote attendance must ensure and verbally declare that there are no other persons present who are not entitled to be either hearing or seeing consideration of such items, and/or recording the proceedings.
- 7.3. Any Member in remote attendance who fails to disclose that there were in fact persons present who were not so entitled are likely to be in breach of the Members’ Code of Conduct.

8. Public Access to Meeting Documentation following the meeting

- 8.1 Members of the public may access minutes, decisions, a recording of the live feed of the meeting and other relevant documents through the Council’s website.

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CHANGES TO PROCEDURE RULES FOR REGULATORY AND APPEALS COMMITTEES

(NB each committee named will need to approve these changes at its first virtual meeting)

Council Procedure Rule	Existing Provision	Temporary Amendment
General (1)	Any reference to attending or being <i>at the meeting</i> includes being present on the Zoom platform for the purposes of participation	
(2)	Any reference <i>to the location</i> of the meeting includes the digital address of the meeting as communicated to participants in advance. It also includes the digital address of the public broadcast of the meeting as published by the Council on its agenda and on its website at the time that the agenda is published.	
4A. 10 Duration of meeting	Two hour guillotine, no meeting to continue beyond 9pm	Meetings to start at 6pm and not continue past 9pm, to enable virtual meetings to proceed at their own pace.
4L 2.4.	Requests to address the committee on an application should be received by 5pm on the day before the meeting	Deadline to be moved forward to noon on the day before the meeting, to give time to ensure the speaker is set up to participate virtually
4L 2.8.	A list of the accepted requests to address the meeting shall be circulated at the meeting	A list of the accepted requests to address the meeting shall be circulated by 5pm on the day of the meeting to members of the committee.
4L 2.10	The procedure for considering applications A planning officer shall provide any update to the information included in the report	This item normally includes the reading out of late letters, which are circulated at the meeting; for virtual meetings, late letters will only be accepted if they are received by 5pm on the day before the meeting, so that they and any updates relating to an application can be sent by email to all members and published on the council website.
4L 2.10	The speaker shall be invited to address the meeting	When registering to speak speakers must elect one of the following three options: <ol style="list-style-type: none"> 1. Providing a written speech which will be read at the meeting by the Chair or officer of the council, (such speech must be 3 minutes or less when read at an audible pace) 2. Submitting an audio recording of the speech of 3 minutes or less 3. Electing to speak live at the meeting. Speakers must have sufficient

Item 5. Appendix 2

		<p>internet connection, and must provide a copy of the speech in the event that they are unable to connect to the meeting for any reason. Live speakers will be given only one opportunity to speak live.</p> <p>Only speakers choosing to speak live in the virtual meeting will be provided with log in details to access the virtual meeting. Speakers choosing a pre-recorded option will be able to live-stream the proceedings on YouTube.</p> <p>All speakers will be asked to provide a text copy of their speech to the committee administrator beforehand so that, in the event of losing contact, the chair can complete the speech on their behalf.</p> <p>All audio speech clips submitted must be received no later than midday on the day of the meeting to allow time for them to be uploaded ahead of the meeting.</p> <p>Members of the public who have registered to speak with the intention of attending remotely should sign into the meeting platform under the same name as they registered. Failure to do so may result in no admittance to the meeting.</p>
4L 2.13	The applicant and third parties shall be allowed to use A4 transparencies and such other visual aids to support their presentation as the Chair may allow	Applicants and third parties will need to submit any visual materials to Democratic Services (this is current practice) 48 hours before the meeting so that these can be uploaded for virtual presentation during the meeting. The council reserves the right to refuse any visual aid that cannot be uploaded/shown for technical reasons, however it would work with the party to try to resolve these issues.
2.14	The chair will stop any address where it seems to them that the speaker is making statements of a personal or slanderous nature or is being abusive	TO ADD And the Chair has the right to mute the speaker in these circumstances. The Chair also retains the option of “removing” a person from the virtual meeting.
2.15	Speakers will return to the public seating area when they have concluded their presentation and answered	Live Speakers will be held in a virtual waiting room and invited to address the meeting at the relevant time; once they have made their speech and answered any follow-up

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	any questions from members seeking clarification of any of their points.	questions from members, they will be removed from the meeting and may continue to follow proceeding via the live stream on YouTube.
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“At a Glance” - Planning Committee meeting procedures

Pre-meeting

Members and Officers are asked to adhere to the following etiquette during remote attendance at a meeting:

1. Committee members are asked to join the meeting **no later than fifteen minutes** before the start to allow themselves and the Committee Manager the opportunity to test the equipment;
2. Any camera (video-feed) should show a non-descript background and members should be careful to not allow exempt or confidential papers to be seen in the video-feed.
3. Type their name on joining the meeting in full, e.g., “Cllr Joanne Smith”. Officers in attendance should type their full name followed by “Planning”, “Legal”, “Democratic” as appropriate. Full job titles cannot be accommodated.

Introductions

1. Introduction by Committee Chair noting the virtual nature of the meeting, asking viewers and those involved in the meeting to be patient with proceedings given the virtual nature of the meeting.
2. Chair to make clear he/she would introduce all speakers by name (members, officers, public speakers) prior to them speaking
3. The Chair, at the beginning of the meeting, will explain the protocol for member and public participation and the rules of debate. The Chair’s ruling during the debate will be final.
4. Committee Manager to ensure at outset that all participants can be heard (and preferably seen) and can hear and (preferably see) all other participants
5. Register of committee members present taken by Democratic Services Officer
6. Usual business order then undertaken (apologies, declaration of interests, minutes (“Chair will sign these when it is possible to do so”))
7. Members to be asked by Chair to mute all microphones and only speak when invited to do so by the Chair
8. Members to be asked by Chair to refer to report page/paragraph no’s when referring to officer report
9. Members asked to “raise hand” on Zoom/visually signal if they wished to speak/ask questions at any point. Those wishing to speak to be noted by Committee Manager and communicated to the Chair

Proceedings

1. For each item Chair reads out full planning application title, address and reference number
2. Chair then invites Planning Officer to present report

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3. Committee Manager shares their screen to the meeting which features site plans/photos etc. Mouse cursor acts as pointer as officer goes through report.
4. Once report presentation has concluded the Chair to announce that it is time for public speakers to address the committee. Speakers invited in from Zoom “waiting room” by Committee Manager in appropriate order, one at a time to provide their 3 minute address. If audio/video submitted, this would be played by the Committee Manager. Written submissions to be read by the Chair with a caveat at the start and beginning “these are the words of XXX”
5. Members invited by the Chair to debate/provide comments/ask questions
6. Chair re-states the officer recommendation that members will be voting on
7. Chair seeks proposer and seconder for a specific recommendation to be voted on
8. If proposal to be voted on is to refuse AGAINST officer recommendations, reasons will need to be formulated by the committee at this point
9. If a connection to a Member is lost during consideration of an application, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, but the Member who was disconnected will **not** be able to vote on the matter under discussion as they would not have heard all the facts.
10. Chair requests each member present to verbally indicate their vote as “for/against/abstain”, voting cards reading the same can also be provided should there be any audio issues.
11. “Final Score” of votes provided by Democratic Services Officer. Chair then states the decision made as a result of vote.
12. Chair moves on to next item and repeats proceedings as before.

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Report Originator	Interim Head of Development Services	<i>Fwd Plan Ref No:</i> N/A	
Wards Affected	ALL	18 th May 2020	
Title	Scheme of Delegation – Temporary Amendments		

1. PURPOSE OF REPORT

- 1.1 To adopt temporary amendments to the scheme of delegation for planning applications to allow for the proper functioning of a virtual planning committee and decision making during the COVID19 lockdown.

2. INFORMATION

2.1 Introduction

The Council’s Scheme of Delegation within its Constitution allows for certain planning decisions to be made by the Head of Development Services. The Planning Committee has delegated, amongst other things, those applications which meet the criteria set out in **Appendix 1**.

- 2.2 This allows for strategic and complex applications and those that have one outstanding objection to be considered by Councillors through the Planning Committee.

- 2.3 During this period of lockdown where everyone, apart from essential workers, is being required to stay at home the Government has passed emergency legislation through the Coronavirus Act which came into force on 25th March 2020. Part of this legislation allows for Council’s to hold virtual meetings.

- 2.4 Secondary legislation in the form of [*The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020*](#) came into effect on 4th April 2020. This sets out the requirements for holding virtual meetings.

- 2.5 In order to ensure that the new virtual planning committees can function properly, and not be overwhelmed by a large number of small householder applications, it is proposed to amend the Scheme of Delegation during this lockdown period to limit the amount of applications that are required to go to committee.

2.6 Discussion

The current Scheme of Delegation to the Head of Development Services, amongst other things, permits all applications to be determined by him/her except where:-

- c) the proposal has been the subject of a written material planning objection(s) within the relevant stipulated time span, which has not been resolved to the*

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satisfaction of the Head of Development Services through negotiation and/or the proposed imposition of condition(s), approval is recommended.

- 2.7 This currently results in an average of 8-10 planning applications needing to go to committee each month. Due to the cancellation of previous committees the department currently has 25 applications awaiting determination which unless the delegations are revised would take three committee meetings in normal circumstances to clear the backlog. The Planning Committee has also been required to meet more frequently in recent months due to the volume of applications needing to be determined and the number of deferrals created.
- 2.8 Research on other Council's undertaking remote planning committees suggests that no more than three applications are being considered on these agendas with the meetings taking between 2-3 hours.
- 2.9 After the start of the lockdown and in response to managing virtual planning committees the Planning Officers Society (POS) and Planning Advisory Service (PAS) have issued some guidance in relation to helping Planning Services to continue to deliver their services.
- 2.10 In the POS's 'Good Practice Guidance Note - DM Decision Making + Covid-19' they suggest that;

This guidance is written on the basis that Councils will take the sensible decision that major or strategic applications (however you define them locally) will continue to go to committee but thathouseholders and minor applications should now be determined through a delegated process using the emergency procedures.

PAS 'Virtual planning committee – a hints & tips guide' states that;

Planning committee exists to make decisions on significant and sometimes finely balanced applications. At least in the short term it is very likely that the workload of a committee will need to be reduced until members learn how to work effectively and seamlessly with everyone in a separate place.

Hint/tip: Consider changing delegation arrangements to 'lighten the load' of committees during this period. Are there certain types of applications/developments that can be delegated to officers?

- 2.11 Officers consider that the easiest and simplest way to relieve the pressure on any future virtual planning committee is to revise the delegation to officers by raising the threshold of objections from one (1) to five (5) and for these to be from separate households. Once the revised delegation is approved that it be effective immediately and apply to all applications still awaiting determination.
- 2.12 This would bring the Council's Scheme of Delegation more in line with other neighbouring Authorities and it should be maintained for a period of three months or a lesser period requiring virtual committees to be in operation. It is anticipated

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that by revising the threshold, applications to be determined by committee will fall from 8-10 to 3-5 per month. This amendment to the scheme of delegation would also need to work in concert with the judicious use of the member call-in provision which is not proposed to be amended. If this mechanism for bringing applications to committee were to be over used then this is likely to defeat the principle of increasing the level of delegated authority for minor applications allowing the virtual committees to function effectively in tackling strategic and complex proposals.

2.13 Proposal

Officers recommend that Members approve a temporary amendment to the Scheme of Delegation to the Head of Development Services to allow for the effective and efficient operation of virtual planning committees. This would increase the required number of objections to trigger an application be determined by committee from one (1) to five (5). It would also require these objections to be from separate households. The proposed amended wording is set out in Appendix 1.

2.14 Officers do not recommend a change to the Member Call-in process, however, would request that Members consider carefully whether it is necessary for any applications with less than six (6) objections to be called in for the committee to determine.

3. CONSULTATION AND CUSTOMER IMPACT

3.1 None as a result of this report. It is a matter for the Council to determine the level of delegation that it chooses to work to on the grounds of operational efficiency and resource capacity. The level of consultation for planning applications will not diminish and the right to appeal decisions of the Council remain intact through the Planning Inspectorate.

4. POLICY AND RESOURCE IMPLICATIONS

4.1 The revised delegation during this unprecedented period of national lockdown will allow the current resources available within the Development Services department to be able to serve a new virtual planning committee in a way that will ensure it is not overwhelmed.

5. LEGAL AND EQUALITY IMPLICATIONS

5.1 The Council can amend its Constitution and Scheme of Delegation at any time. The revised delegated authority to make planning decisions at this level will bring the Council more into line with best practice and other Local Planning Authorities and would not have any equality implications.

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6. CLIMATE CHANGE IMPLICATIONS

6.1 None as a result of this report

7. RECOMMENDATION

7.1 That members approve the temporary amendment to the Scheme of Delegation as set out in Appendix 1, for a period of no more than three months, or earlier should normal meeting arrangements be resumed.

Background Papers:

Title

Date

Contact Officer

Previous Minutes/Reports:

Ref:

Date:

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Appendix 1:

To determine all planning applications and applications for express advertisement consent, listed building consent, conservation area consent, relevant demolition in Conservation Areas, removal/variation of conditions and to comment on those referred to the Council by neighbouring authorities, except where:-

- (a) a ward member (or a ward member for a ward in which land or residents are likely to be directly affected) requests in writing to the Head of Development Services, prior to the expiry of the publicity/notification period that a proposal within their ward should be the subject of consideration by the relevant committee and such requests must be accompanied by a valid planning reason(s);.
- (b) the proposal, if approved, would constitute, in the opinion of the Head of Development Services, a material departure from the Local Plan and approval is recommended;
- (c) the proposal has been the subject of a **6 or more** written material planning objection(s) **from separate households** within the relevant stipulated time span, which has not been resolved to the satisfaction of the Head of Development Services through negotiation and/or the proposed imposition of condition(s), approval is recommended
- (d) the proposal is substantively supported by a statutory consultee (including town/parish councils), refusal is recommended
- (e) the proposal is known to be submitted by, or on behalf of, an elected member of the authority (or a relative or a friend) or by any member of the Council's staff (or their spouse /partner)
- (f) the Council is the applicant.

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