

NOTICE OF MOTION REGARDING PAUSING NEW PLANNING PERMISSIONS OF MAJOR APPLICATIONS

Council:	13 July 2023
Report Author	Nick Hughes, Committee Services Manager
Portfolio Holder	Councillor Whitehead, Portfolio Holder for Housing
Status	For Decision
Classification:	<i>Unrestricted</i>
Ward:	All Wards

Executive Summary:

This Council will consider a notice of motion requesting that the Council pause the granting of new planning permissions, for builds of more than 10 dwellings, and allow for a review into the impacts the current house building programme is having across Thanet.

Recommendation(s):

Members instructions are required.

Corporate Implications:

Financial and Value for Money

There are no financial implications arising directly from this report.

Legal

Council Procedure Rule 3.7 states that: “the Member whose name appears first on the notice will move the motion during his or her speech and call for a seconder. If seconded, a Member from the controlling political group will be entitled to a reply, after which the motion shall stand referred without further discussion to the Cabinet or appropriate committee for determination or report unless the Council decides to debate the motion in accordance with Rule 16” (*rules of debate*)

Corporate

Council Procedure Rule 3 provides the opportunity for Councillors to give advance notice of motions to be put to Council.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

There are no specific equalities issues arising from this report.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- Communities

1.0 Introduction and Background

1.1 The following motion has been received from Councillor Garner in accordance with Council Procedure Rule No. 3:

“Motion to pause the granting of new planning permissions, for builds of more than 10 dwellings, and allow for a review into the impacts the current house building programme is having across Thanet.

While it is important that new homes are built in Thanet, it is likely that the continual increases in mortgage interest rates will have a slow-down effect on both the build of new homes and of their purchase, possibly for the rest of 2023.

This presents us with an opportunity to pause the granting of new planning applications, for builds of more than 10 dwellings, and review and address the concerns of residents on the following issues:

1. Southern Water’s infrastructure is not fit for purpose to service the current households and businesses in the district. What impact will the proposed number of new dwellings have on the current residents in Thanet and on the environment around our coastline because of increased sewage releases?
2. There are too many dwellings across Thanet which remain unoccupied. Investigate how many empty properties there are across the district and the reasons for this.
3. How many previously approved planning applications are still to commence development?
4. How many of the already approved numbers of affordable homes have been built and made available at an affordable price?
5. Have the GP surgeries, primary schools, social amenities promised in previously approved planning applications been adequately delivered by the builders?

6. What is the impact of the recent new builds on traffic and highways in Thanet?

This Council agrees to pause the granting of new planning permissions, for builds of more than 10 dwellings, and set up a cross party working group of 7 councillors to work with officers to carry out the review, using the Treasury Green Book Gate Review (see link below) process as a guide for that review.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1002663/1174-APS-0-CCS0521656666-001_IPA_Gateway_Web.pdf “

2.0 Decision Making Process and Options

2.1 The constitution states:

“If seconded, a Member from the controlling political group will be entitled to a reply, after which the motion shall stand referred without further discussion to the Cabinet or appropriate committee for determination or report unless the Council decides to debate the motion in accordance with Rule 16” (*rules of debate*).

2.2 Firstly the motion must be seconded, if it is not seconded then the motion will fall.

2.3 If seconded, in this case the motion cannot be forwarded to the Cabinet as Planning is not an Executive function and so Cabinet has no remit over it, as such only Council can decide upon. As such if it is not agreed to debate the motion then it shall fall and no further action shall be taken.

2.4 Further to this paragraph 3.8 of the constitution states:

“viii. The Council should not debate any motion which would give rise to a significant change to income of the Council, to its expenditure or contract terms, unless it has received a report from the Chief Finance Officer or the Monitoring Officer as appropriate setting out the legal or financial effect of the motion.”

2.5 After preliminary discussions with both Planning and Legal departments this motion has the potential to have a major impact on costs incurred by the Council due to potential action from developers through claims for non-determination. As such in accordance with paragraph 3.8 viii) the Council should not debate this motion at this meeting and defer it to the next meeting of Council. A full report on the financial impact of the proposed motion can then be written for members' consideration, so that an informed debate can take place at the October Council meeting.

Contact Officer: Nick Hughes, Committee Services Manager
Reporting to: Sameera Khan, Interim Head of Legal and Monitoring Officer

Annex List

There are no annexes with this report.

Background Papers

There are no background papers with this report.

Corporate Consultation

Finance: Chris Blundell (Director of Corporate Services and s151 Officer)

Legal: Sameera Khan (Interim Head of Legal & Monitoring Officer)