

# Planning Committee

Monday 24 May 2021

8.00 pm

(or at the rise of Council Assembly)

Southwark Cathedral, Montague Close, London Bridge SE1 9DA

## Supplemental Agenda No.1

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Date: 21 May 2021

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 24 May 2021	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>		Planning Sub-Committee Arrangements for 2021-22	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

## RECOMMENDATIONS

1. To note the size and composition of the planning committee, as agreed by annual council assembly on 24 May 2021 and the roles and functions of the planning committee and its sub-committees (see Appendix 1).
2. To establish two planning sub-committees with the size and composition as set out in paragraph 11 of this report.
3. To appoint chairs and vice-chairs of the planning sub-committees.

## BACKGROUND INFORMATION

4. This report is presented to the planning committee in accordance with Part 3F, paragraph 4 of the constitution, which requires the planning committee to establish planning sub-committees to consider applications and other matters reserved as defined in the constitution.

## KEY ISSUES FOR CONSIDERATION

### Proportionality

5. Seats on committees and sub-committees must be allocated in accordance with the four principles of proportionality contained in sections 15, 16 and 17 of the Local Government and Housing Act 1989. When making appointments, committees (in appointing sub-committees) have a duty to give effect to the following principles, as far as is reasonably practicable:
  - (i) That not all the seats on a committee or sub-committee are allocated to the same political group.
  - (ii) That the majority group must have the majority of seats on each committee or sub-committee.
  - (iii) Subject to (i) and (ii) above, it must be ensured that the proportion of each political group's seats of the total number of seats on 'ordinary committees' reflects as closely as possible their proportion of seats on full council.

- (iv) Subject to (i) to (iii) above, the proportion of each political group's seats on each committee and sub-committee reflects as closely as possible their proportion of seats on full council.

Note: This rule applies to all committees, sub-committees and joint committees, except for licensing committee and community councils.

### **Planning sub-committees**

6. The committee is invited to note the roles and functions of the planning committee and planning sub-committees as set out in Appendix 1, which were approved by council assembly on 23 May 2012 and amended in November 2013.
7. Sub-committees are not 'ordinary' committees and are each considered individually for the purposes of proportionality. So far as it is reasonably practicable to do so, the allocation of seats on each sub-committee should bear the same proportion to the number of the seats held by that group on the council. The planning committee can agree an allocation that is disproportionate, provided no member votes against this.
8. The most proportionate allocation will depend on the number of members of the sub-committee. The following sub-committee sizes would provide the following allocation of places:

Size of sub-committee	Labour	Liberal Democrats	Conservative
Nine seats	7	2	0
Eight seats	6	2	0
Seven seats	5	2	0
Six seats	5	1	0
Five seats	4	1	0
Four seats	3	1	0

### **Appointments to seats**

9. Section 16 (1) of the Local Government and Housing Act 1989 provides that it is the duty of the authority or committee to exercise their power to make appointments to a body as to give effect 'to such wishes about who is to be appointed to the seats on that body which are allocated to a particular political group as are expressed by that group'.
10. There is no requirement that a seat allocated to a particular group can only be filled by a member of that group. Therefore groups have the discretion to allocate seats as they wish, including to a member of another group.

### **Membership of sub-committees**

11. In 2016-17, the two planning sub-committees (sub-committees A and B) were established with a size of 7 seats and composition (5 Labour and 2 Liberal Democrat group places). It is recommended that the same sub-committee arrangements are made for 2021-22.

12. The committee is invited to appoint a chair and vice-chair for the two sub-committees.

### Community impact statement

13. There are no specific implications.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Annual council assembly agenda 24 May 2021	Constitutional Team 160 Tooley Street London SE1 2QH	Chidilim Agada Constitutional Manager 020 7525 3310

### APPENDICES

No.	Title
Appendix 1	Planning committee and planning sub-committees roles and functions
Appendix 2	Nominations of chairs and vice chairs

### AUDIT TRAIL

<b>Lead Officer</b>	Chidilim Agada, Constitutional Manager		
<b>Report Author</b>	Tim Murtagh, Principal Constitutional Officer (Acting)		
<b>Version</b>	Final		
<b>Dated</b>	21 May 2021		
<b>Key Decision?</b>	No		
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>			
<b>Officer Title</b>		<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Governance		No	No
Strategic Director of Finance and Governance		No	No
<b>Cabinet Member</b>		No	No
<b>Date final report sent to Constitutional Team</b>			21 May 2021

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## PART 3F: PLANNING COMMITTEE AND PLANNING SUB-COMMITTEES

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### Role and functions

1. To comment on local development framework documents in respect of all significant planning matters and make recommendations to the cabinet.
2. To consider the future process by which the decisions with respect to planning applications are to be taken.
3. To consider and determine all the following applications:
  - strategic and major planning applications (as defined in the matters reserved to the committee)
  - designation of conservation areas including the adoption of conservation area character appraisals and detailed design guidance
  - any other planning responsibilities of the authority created by statute (and delegated to the committee).
4. It is the responsibility of the planning committee to consider strategic planning applications and to establish planning sub-committees to consider applications and other matters reserved as defined in the constitution
5. Where appropriate to hear and consider the case for the applicant either by way of written or oral representation and consider objections and representations to the application from authorised persons and interested parties or their designated representatives.
6. To consider expenditure of section 106 monies.
7. To comment on national and regional consultation documents proposing significant changes to strategic planning policies and make recommendations to the cabinet.

### Matters reserved for decision by the planning committee

1. Consideration of the following categories of planning applications (including listed building consent, conservation area consent and advertising consent), where the development proposed involves the creation of 50 or more housing units or more than 3,500m<sup>2</sup> of commercial floor space or a mixed use development with more than 3,500m<sup>2</sup> of floor space, including applications for change of use, or the application is clearly linked to another application which is to be considered by the planning committee:
  - a) those which are significantly contrary to the provisions of the local development framework approved by the council for the purpose of development control, and which are recommended for approval.
  - b) those which are controversial, i.e. subject to 5 or more relevant objections (a “relevant objection” is defined as any objection except an objection which clearly does not raise any material planning considerations) or raise a major issue of a planning nature except:

- i) where in the opinion of the appropriate chief officer the objection can be overcome by the imposition of an appropriate condition, or
    - ii) where the application clearly complies with the relevant planning policies, in which case the decision may be taken by officers, or
    - iii) where the application is a straightforward refusal.
  - c) those requested by two councillors to be determined by elected members, subject to the request being agreed by the chair of the planning committee in consultation with the appropriate chief officer.
  - d) applications for the council's own developments which are controversial, i.e. subject to 5 or more relevant objections (a "relevant objection" is defined as any objection except an objection which clearly does not raise any material planning considerations).
  - e) those involving legal agreements, other than those in accordance with policy requirements, e.g. affordable housing, highway improvements, environmental work and other works required as part of a development proposal.
2. To consider the expenditure of funds over £100,000 of strategic importance secured through legal agreements under section 106 of the Town and Country Planning Act 1990, or any previous legislation.
  3. The designation of conservation areas including the adoption of conservation area character appraisals and detailed design guidance, and authorisations under article 4 of the Town and Country Planning Permitted Development Order 1995.
  4. To consider and determine all planning applications of strategic importance in the borough, including:
    - a) applications which require referral to the Mayor of London
    - b) applications which are required to be notified to the Secretary of State as departures from the development plan document (including the unitary development plan)
    - c) applications where the submission of an environmental impact assessment is required by regulation or following a screening application
    - d) applications for the development of metropolitan open land
    - e) applications for the development of contaminated land
    - f) specific applications not covered by the above but determined as strategic by the appropriate chief officer.
  5. To comment on drafts of the local development framework during their consultation periods and make recommendations to the cabinet, as appropriate.
  6. To comment on draft supplementary planning documents during their consultation periods and make recommendations to the cabinet, as appropriate.

7. To report to the cabinet on matters relating to the implementation of planning policy.
8. To comment on national and regional consultation documents proposing significant changes to strategic planning policies (e.g. London Plan, Cross River Tram) and make recommendations on the council's response to the cabinet, as appropriate.
9. To consider planning enforcement cases where the appropriate chief officer<sup>1</sup> decides that the matter is of a strategic or controversial nature and should be referred to the committee to consider and determine the taking of enforcement steps.

#### **Matters reserved for decision by a planning sub-committee**

10. Consideration of the following categories of planning applications (including listed building consent, conservation area consent and advertising consent), where the development proposed involves the creation of 10-49 housing units or 1,000m<sup>2</sup> - 3,500m<sup>2</sup> of commercial floor space or a mixed use development with more than 1,000m<sup>2</sup> - 3,500m<sup>2</sup> of floor space, including applications for change of use, or the application is clearly linked to another application which is to be considered by the planning committee:
  - a) those which are significantly contrary to the provisions of the local development framework approved by the council for the purpose of development control, and which are recommended for approval.
  - b) those which are controversial, i.e. subject to 5 or more relevant objections (a "relevant objection" is defined as any objection except an objection which clearly does not raise any material planning considerations) except:
    - i) where in the opinion of the appropriate chief officer the objection can be overcome by the imposition of an appropriate condition, or
    - ii) where the application clearly complies with the relevant planning policies, in which case the decision may be taken by officers, or
    - iii) where the application is a straightforward refusal.
  - c) applications for the council's own developments which are controversial, i.e. subject to 5 or more relevant objections (a "relevant objection" is defined as any objection except an objection which clearly does not raise any material planning considerations).
  - d) those involving legal agreements, other than those in accordance with policy requirements, e.g. affordable housing, highway improvements, environmental work and other works required as part of a development proposal.

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<sup>1</sup> The appropriate chief officer has a broad discretion to refer enforcement matters to the committee. In practice, the sort of enforcement cases likely to be considered appropriate for member decision would be in particular:

- where officers propose not to take enforcement action on a controversial issue
- on matters of strategic importance
- on matters which, though minor individually, have a considerable cumulative effect
- where a decision could set a precedent establishing or varying priorities for enforcement action.

Operational or routine enforcement issues will not be referred to the committee.

11. To consider applications for the development of metropolitan open land.
12. To consider the expenditure of funds over £100,000 secured through legal agreements under section 106 of the Town and Country Planning Act 1990, or any previous legislation.
13. To consider the confirmation of tree preservation orders which are the subject of a sustained objection (a “sustained objection” is defined as an objection that is maintained despite an attempt by officer to resolve it, or which officer consider incapable of resolution by negotiation).
14. To consider applications requested by two councillors to be determined by the planning sub-committee, subject to the request being agreed by the chair of the planning committee in consultation with the appropriate chief officer.

### **Notes**

- a) All matters not reserved as above are delegated to the appropriate chief officer, head of service or business unit manager.
- b) Each chief officer and/or head of service in making decisions under the above scheme is required to do so within the internal scheme of management for their own department. This will include appropriate monitoring arrangements, and dissemination of information both internally and externally to the council.



**SOUTHWARK COUNCIL****PLANNING COMMITTEE****MONDAY 24 MAY 2021**

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**NOMINATIONS FOR CHAIRS AND VICE-CHAIRS OF PLANNING SUB-COMMITTEES 2021-22**

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**1. PLANNING SUB-COMMITTEE A**Election of Chair

Labour Nomination

Councillor Kath Whittam

Liberal Democrat Nomination

Election of Vice-Chair

Labour Nomination

Liberal Democrat Nomination

Councillor Adele Morris

**2. PLANNING SUB-COMMITTEE B**Election of Chair

Labour Nomination

Councillor Cleo Soanes

Liberal Democrat Nomination

Election of Vice-Chair

Labour Nomination

Liberal Democrat Nomination

Councillor Maria Linforth-Hall