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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 3 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 ~~they are~~ the application is a straight forward refusals.
- c) those requested by ~~a ward member~~ 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) ~~all 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) ~~except for the approval of reserved matters to which no relevant objection has been made~~
- 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 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 ~~strategic director of regeneration and neighbourhoods.~~
- ~~5. To consider and determine all planning applications where the development will have a material impact on the area of one or more neighbouring community councils. The strategic director of regeneration and neighbourhoods to determine, in consultation with the chairs of the relevant community councils, when such boundary proximity is a material factor.~~

- ~~6. To consider any application reserved to community councils in the event that the relevant community council meeting was inquorate or the personal interests or decided views of a large number of members would be likely to render the meeting inquorate.~~
7. To comment on drafts of the local development framework during their consultation periods and make recommendations to the cabinet, as appropriate.
8. To comment on draft supplementary planning documents during their consultation periods and make recommendations to the cabinet, as appropriate.
9. To report to the cabinet on matters relating to the implementation of planning policy.
10. 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.
11. 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**

12. 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

<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.

- (iii) where the application is a straight forward 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.
13. To consider applications for the development of metropolitan open land.
  14. 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.
  15. To consider the confirmation of tree preservation orders:
    - Those 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).

## **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.