

# **APPENDIX I PLANNING AND THE PLANNING COMMITTEE**

## **I. FUNCTIONS**

**The relevant functions of the Council are:**

### **I.1 Planning and Conservation**

- A** All the Council's functions in relation to Town and Country Planning and Development Control as specified in Schedule I to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.

#### **Commons registration**

- B** All the Council's functions in relation to common land or town and village greens or unclaimed common land, or unlawful works on common land and to register the variation of rights of common as set out in Schedule I to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.

#### **Highways Use and Regulation**

- C** All the Council's functions in relation to the regulation of the use of highways set out in Schedule I to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.

#### **High Hedges**

- D** All the Council's functions in relation to applications and complaints about high hedges under Part 8 of the Anti-Social Behaviour Act 2003.

#### **Trees**

- E** The powers to preserve trees under Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 and to protect important hedgerows under the Hedgerows Regulations 1997.

### **I.2 Policy**

The Council decides whether to adopt the Development Plan, on the recommendation of Cabinet.

## **2 MATTERS SPECIFICALLY DELEGATED TO THE PLANNING COMMITTEE**

### **2.1 In relation to policies and strategies the Committee will:**

Advise the Cabinet on the implementation of the Development Plan and other planning policies and strategies.

### **2.2 Within the policies laid down by the Council, the Committee will**

2.2.1. Determine applications relating to town and country planning, commons registration, village greens, the making or confirmation of Tree Preservation Orders where there are objections that cannot be resolved and the use or regulation of highways that would have a significant impact on two or more wards of the Council.

2.2.2 Determine individual applications for planning permission where one or more of the following apply:

- a) it is an application for 10 or more dwellings or non-residential floor space of 1000 sq m or more and more than 15 written representations have been received within the statutory public consultation period raising valid planning considerations that are contrary to officer recommendation, either objecting when the officer recommendation is for approval, or supporting when the officer recommendation is for refusal.
- b) the application is substantively contrary to a Development Plan proposal and the officer recommendation is to approve;
- c) the application is submitted by an employee or Member of the Council, or a close relative of an employee or Member of the Council living in the same property (see paragraph 4.3 for definition of a close relative);
- d) Provided that the Member has no Disclosable Pecuniary Interest (in which case a Member Referral cannot be made), a Member of Council has, within the statutory public consultation period, completed and submitted in full the prescribed Member Referral Form to the Assistant Director of Strategic Planning directing its determination by Planning Committee, this to include what recommendation the Member would find acceptable to enable the application to revert to a delegated decision.

- e) the matter is referred to the Committee by the Assistant Director for Strategic Planning and Infrastructure under one of the following criteria:
    - there are finely balanced policy or precedent issues;
    - there are probity issues or public interest reasons for the matter to be determined by the Committee;
    - the matter is an unusual response to a particular set of issues that warrants debate by the Committee.
- 2.2.3 Approve the principal terms of major planning agreements; or any substantive changes to the terms of major planning agreements that have been specifically agreed by the Planning Committee on a previous occasion.

**In relation to Highways Matters the Committee will:**

- 2.3.6. Determine the confirmation of Orders to create divert or stop up footpaths or bridleways.
- 2.3.7. Determine applications to modify the definitive map.
- 2.3.8. Determine applications that are referred by either the Assistant Director for Strategic Planning and Infrastructure or Assistant Director for Street Services.

**3. MATTERS DELEGATED TO OFFICERS**

- 3.1 All other non executive functions in respect of planning highways and transport have been specifically delegated to the Director for Place

**4. GENERAL**

**4.1. Substitute Members**

Any Member of the Council may act as substitute provided they have undergone the Council's prescribed Member planning training course (as specified in the Planning Committee Code of Good Practice).

- 4.2 Planning Committee Procedures are found in the Planning Committee's Code of Good Practice.
- 4.3 For the purposes of the Planning Committee functions a close relative is defined as: a husband or wife (or civil partner), a son or daughter, a father or mother; or a brother or sister.