

APPENDIX ONE: PLANNING COMMITTEE TERMS OF REFERENCE (SHOWING TRACK CHANGES)

PLANNING COMMITTEE

Membership

5 members to be appointed by Full Council.

Purpose

To exercise, in line with the Council's Planning Code of Practice, the functions, powers and duties of the Council in relation to the determination of planning applications and any other planning matter (as referred to it by the Assistant Director, Development Management & Building Control and the Chair of the Planning Committee (where applicable)).

Delegated Powers

The Planning Committee may determine ~~shall have~~ the following planning applications~~powers~~:

- Those application types listed in Schedule 2 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, ("the 2026 Regulations"), save for the following applications which shall be delegated to officers:
 1. All non-residential minor applications.
 2. Section 73A applications (applications for retrospective permission) that are recommended for refusal or recommended for approval and have less than 2 "qualifying representations" and/or do not have a request from a Ward Councillor (or neighbouring Ward Councillor) to be heard by committee
 3. Planning applications and Section 73 applications for major development recommended for refusal or recommended for approval and that have less than 5 "qualifying representations" and/or do not have a request from a Ward Councillor (or neighbouring Ward Councillor) to be heard by committee, (but not Section 73 applications where the parent application was determined by Committee)
 4. Listed Building Consents, Variations to Listed Buildings Consents (Section 19), planning applications that are connected to a listed building consent (but would otherwise be Schedule 1), Advertisement Consents and Tree Applications that are recommended for refusal or

recommended for approval and have less than 2 “qualifying representations” and/or do not have a request from a Ward Councillor (or neighbouring Ward Councillor) to be heard by committee;

5. all other applications (i.e. those that fall within Schedule 2 that are not listed above) shall be considered through the “gateway test”

Gateway Test: These applications will be considered by the Chair of Planning Committee and the Assistant Director, Development Management & Building Control (acting as the Nominated Officer and Nominated Member for the purposes of Regulation 3 of the 2026 Regulations) to agree whether the applications should be referred to and determined by Planning Committee. In doing so the Chair of Planning Committee and the Assistant Director, Development Management & Building Control must have regard to the statutory guidance. Applications should only be referred to and determined by Planning Committee where the proposal raises:

- (a) one or more issues of economic, social or environmental significance to the local area, or
- (b) one or more significant planning matters having regard to the development plan and any other material considerations.

Where agreement between the Chair of Planning Committee and the Assistant Director, Development Management & Building Control is not possible, the application must be determined by officers in accordance with Regulation 5(2) or Regulation 6(3) (as applicable).

The Assistant Director of Development Management & Building Control may be substituted by a senior officer with extensive professional planning experience, as determined by the Strategic Director of Place or Corporate Director of Regeneration, Planning and Strategic Property. The Chair of Planning Committee may be substituted by the Vice-Chair of Planning Committee.

- **Own Interest Application,** these are defined in the Regulations, as applications made (including jointly with others) by the Council, an officer of the Council or a Member of the Council and shall be dealt with in the following way:

1. Council applications that do not involve a change of use or new building shall be delegated to officers.
2. Council applications that involve a change of use or new building where there are less than 5 “qualifying representations” and/or do not have a request from a Ward Councillor to be heard at Committee (or neighbouring Ward Councillor) shall be delegated to officers.
3. All other Council applications will be considered by the Chair of Planning Committee and the Assistant Director, Development Management & Building Control to agree whether the application should be referred to and determined by Planning Committee.
4. Applications from officers will be delegated to planning officers unless there 5 or more “qualifying representations” and/or do not have a request from a Ward Councillor to be heard by committee (or neighbouring Ward Councillor); save that any application from an officer that works in the Planning Team or has regular contact with the Planning Team will not be delegated.
5. All other officer applications will be considered by the Chair of Planning Committee and the Assistant Director, Development Management & Building Control to agree whether the application should be referred to and determined by Planning Committee.
6. Applications from Members will be delegated to officers unless there 5 or more “qualifying representations” and/or do not have a request from a Ward Councillor to be heard by committee (or neighbouring Ward Councillor).
7. All other Member applications will be considered by the Chair of Planning Committee and the Assistant Director, Development Management & Building Control to agree whether the application should be referred to and determined by Planning Committee.
8. EXCEPT FOR all own interest applications that are Section 73A (retrospective) applications, Listed Building Consents, Variations to Listed Buildings Consents (Section 19), planning applications that are connected to a listed building consent (but would otherwise be Schedule 1), Advertisement Consents and Tree Applications which will be considered by the Chair of Planning Committee and the Assistant Director, Development Management & Building Control to agree whether the application should be referred to and determined by Planning Committee if they have 2 or more “qualifying representations”

and/or do have a request from a Ward Councillor (or neighbouring Ward Councillor) to be heard by committee

- A “qualifying representation” must meet the following criteria:
 - Submitted from an address within the Borough
 - Submitted within the statutory consultation period
 - Raises material planning considerations
- For the purposes of this assessment only one representation per household/address will be counted.
- Requests from Ward Councillors or neighbouring Ward Councillors for the application to be considered by Committee must be made by email to the Assistant Director, Development Management & Building Control and must set out why the application should be determined by Committee having regard to material planning considerations only. Requests should be made within the statutory consultation period or as soon as reasonably practicable afterwards. Requests made after the statutory determination period will not be considered.
- All other planning matters not referred to in the Regulations (apart from adoption of development plan documents and authorisation of historic building grants, set out below) shall be delegated to an officer with delegated powers, unless the Assistant Director Development Management & Building Control considers that referral to and determination by Planning Committee is necessary.
- To make recommendations to Cabinet in relation to the allocation of Historic Building Grants that are above the financial threshold for Key Decisions.
- To authorise the allocation of Historic Building Grants that are below the financial threshold for Key Decisions but above £1000.00

~~1. Save as set out in 2 below, where an application in respect of:~~

- ~~• Planning (excluding applications for Lawful Development Certificates which will be determined by officers under delegated powers unless the application was submitted by a Councillor or an officer of the Council or on their behalf – see below);~~
- ~~• Advertising;~~
- ~~• Conservation areas;~~
- ~~• Listed buildings;~~

- ~~Tree and hedgerow protection;~~
- ~~Hazardous substances;~~
- ~~Enforcement;~~
- ~~Any other functions contained in the Town and Country Planning Act 1990; Planning (Listed Buildings and Conservation Areas) Act 1990 or the Planning (Hazardous Substances) Act 1990 and related legislation; satisfies one or more of the following criteria, it shall be referred to the Planning Committee:~~
 - ~~Where it is requested by a member of the ward in which the development is located or a neighbouring ward that the Planning Committee consider a planning application and the Head of Development Management and Building Control in consultation with the Chair of the Planning Committee agrees that the application should be determined by the Planning Committee taking into consideration the ward member's or neighbouring ward member's reasons for making the request;~~
 - ~~Where the following types of development are involved:
 - ~~development of 150 residential units or more;~~
 - ~~development over 30 metres in height;~~
 - ~~inappropriate development on Green Belt or Metropolitan Open Land; or~~
 - ~~development (other than development which only comprises the provision of residential units) involving the erection of a building or buildings with a total floorspace of more than 15,000 square metres;~~~~
 - ~~Where the Council is the developer and the application involves development that includes the erection of any building or a material change of use;~~
 - ~~Where the Council is not the developer but would be involved in a financial liability;~~
 - ~~Where an application is recommended for approval with five or more objections from local residents and the Head of Development Management and Building Control in consultation with the Chair of the Planning Committee is of the view that there is significant interest from local residents;~~
 - ~~Where an application is made where a Councillor or an officer is the agent;~~

- ~~➤ Where any application is submitted by or on behalf of a Councillor or by or on behalf of any officer of the Council (or their spouse/partner) including applications for Lawful Development Certificates; or~~
- ~~➤ Where the Head of Development Management and Building Control in consultation with the Chair of the Planning Committee consider that an application should be referred to the Planning Committee for consideration.~~

~~2. The Chair of Planning committee and the Assistant Director, Development Management & Building Control shall meet on a regular basis (not less than monthly) to review the pipeline of Schedule two applications (excluding those listed above) and agree whether particular applications should be referred to Planning Committee or delegated to officers. A record of the decision and reasons for it will be recorded in the case officer's planning report. These decisions will also be reported to Planning Committee at least annually.~~

~~3 Under Regulation 10 of the Town and Country Planning General Regulations 1992, where a local planning authority is determining its own application for planning permission, it must not be determined by a committee, sub-committee or officer responsible for the management of the building or land to which the application relates. In addition to this restriction, where a planning application is made by or on behalf of a nominated officer or member or an entity owned or controlled (whether wholly or partly) by a member or officer (including jointly with another person), in the interests of propriety, they should not be involved in the decision on whether to refer it to committee or not.~~

~~4. The Planning Committee has no delegated power to approve Development Plan Documents or joint arrangements under section 28 - 31 of the Planning and Compulsory Purchase Act 2004. Full Council must exercise these powers.~~

~~3. To make recommendations to Cabinet in relation to the allocation of Historic Building Grants that are above the financial threshold for Key Decisions:~~

~~4. To authorise the allocation of Historic Building Grants that are below the financial threshold for Key Decisions but above £1000.00~~

~~5. Notwithstanding the above, prior notification applications shall not be referred to the Planning Committee where insufficient time is available to enable Committee consideration prior to the determination deadline. Where there is an urgent need for a decision to be taken outside the normal cycle of meetings, every practical effort shall be made to arrange an extraordinary meeting of the Planning Committee. However, if there is insufficient time for this to be done, authority to consider such applications is delegated to the Head of Development Management and Building Control, in consultation with the Chair of the Planning Committee, and the Vice Chair.~~

Delegation to Officers

~~76. All applications listed in Schedule 1 of the 2026 Regulations must be determined by an officer, as well as those in Schedule 2 and Own Interest applications that meet the relevant criteria (as set out above). The Corporate Executive Director of Regeneration, Planning & Strategic Property (or equivalent Level A Officer with responsibility for Town Planning Regeneration and Growth is authorised to undertake all other functions in relation to the above matters and functions, subject to paragraph 2 and the Director of Governance or his representative being satisfied with the evidence before the service of any Notices.~~

~~7. The Executive Director of Regeneration & Growth~~ is authorised to delegate any of the above functions delegated to her/him in this Constitution to other officers.