

Appendix 1: Proposed Amendments to Planning Committee’s Terms of Reference

2.2.1 PLANNING COMMITTEE Membership: 13 Councillors

Purpose: To determine town and country planning and development control matters and associated issues

(NB - Councillors and substitute members of Licensing Committee cannot be members of Planning Committee.)

FUNCTIONS	DELEGATION OF FUNCTIONS (Current)	DELEGATION OF FUNCTIONS (Proposed)
<p>Planning and Conservation - Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations [2001/2015] (the Functions Regulations) as amended from time to time including:</p> <ul style="list-style-type: none"> • Development Management and Enforcement • Rights of way • The protection of important hedgerows • The preservation of trees • Functions relating to public rights of way 	<p>The Chief Executive/Head of Planning and Development has delegated power to undertake all the functions relating to planning and conservation, except where the intended delegated decision on a planning or related application:</p> <p>(a) would be contrary to the written views of the Ward Councillor or a political group spokesperson of the Planning Committee and the Councillor has requested Committee consideration. The request by a Ward Councillor or a political group spokesperson for the application to be heard by Planning Committee must be made within a period of 21 days of receipt of a weekly list advising them of the application. Additionally, if a Councillor requests that an application is determined by Committee, that Councillor should attend the Committee to address the planning issues they have raised.</p>	<p>The Chief Executive/Head of Planning and Development has delegated power to undertake all the functions relating to planning and conservation, except where the intended delegated decision on a planning or related application:</p> <p>(a) would be contrary to the written view of</p> <ol style="list-style-type: none"> i. the Ward Councillor of a Ward that the proposed development would impact upon; ii. the Parish Council of a Parish that the proposed development would impact upon; <p>PROVIDED that any such representation(s) received are based upon material planning considerations (including where there is significant public concern based on material planning considerations).</p> <p>The request for the application to be heard by Planning Committee must be made in writing to the Head of</p>

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<ul style="list-style-type: none"> • Functions relating to High Hedges contained in Part 8 of the Anti-Social Behaviour Act 2003 • Town and village green matters • Commons registration and enforcement 	<p>(b) would be contrary to the written view of any Parish Council and the Parish Council has requested that the application is determined by the Planning Committee.</p> <p>(c) would be contrary to the written view of any statutory consultee in the planning process; or</p> <p>(d) would be contrary to the provisions of the Development Plan or any emerging development plan policies that have been adopted by the Council for Development Control purposes.</p> <p>(e) is made by:</p> <p>a Councillor; an Officer; or the Council itself.</p> <p>The Head of Planning and Development has delegated power to:-</p> <ul style="list-style-type: none"> • undertake all functions relating to planning and enforcement; • determine high hedges complaints and to take appropriate enforcement action, except in the following specific circumstances:- 	<p>Planning and Development within a period of 21 days of the date of</p> <ol style="list-style-type: none"> i. in the case of a Ward Councillor, the weekly list advising them of the application. ii. in the case of a Parish Council, the letter of consultation advising them of the application. <p>Additionally, if a Ward Councillor or Parish Council requests that an application is determined by Committee, that Ward Councillor or Parish Council should attend the meeting to address the issues they have raised. In exceptional circumstances, and with the agreement of the Chairman, a written statement to be read out at the Committee may be accepted instead.</p> <p>(b) would be contrary to the written view of any statutory consultee in the planning process; or</p> <p>(c) would be contrary to the provisions of the Development Plan or any emerging development plan policies that have been adopted by the Council for Development Control purposes.</p> <p>(d) is made by:</p> <p>a Councillor; an Officer; or the Council itself.</p> <p>The Head of Planning and Development</p>
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	<ul style="list-style-type: none"> • Where the case relates to a hedge on Council land or complaints relate to Council Officers or Councillors; • Where trees within a hedge are protected by a Tree Preservation Order or are located within a Conservation Area and the Officer decision would be contrary to the views of Ward Members or the Parish Council; and • Exceptional cases where there are wider issues of a public nature or where there is a potential impact on the Council and/or its policies. 	<p>has delegated power to:-</p> <ul style="list-style-type: none"> • undertake all functions relating to planning and enforcement; • determine high hedges complaints and to take appropriate enforcement action, except in the following specific circumstances; • Where the case relates to a hedge on Council land or complaints relate to Council Officers or Councillors; • Where trees within a hedge are protected by a Tree Preservation Order or are located within a Conservation Area and the Officer decision would be contrary to the views of Ward Members or the Parish Council; and • Exceptional cases where there are wider issues of a public nature or where there is a potential impact on the Council and/or its policies.
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