

PLANNING COMMITTEE

GENERAL

- A body with both delegated and referred powers.
- This body reports direct to the Council.

MEMBERSHIP, CHAIRMANSHIP AND QUORUM

- Number of Members: **11**
- Substitute Members permitted: YES
- Whether Proportionality applies: YES
- Appointments/Removal from Office: As expressed through the wishes of the Political Groups and given effect to by the Council by way of resolution.
- Eligibility/Non-Eligibility for Membership:
 - Members - All Members of the Council are eligible
 - Substitute Members - All Members of the Council are eligible
 - Members must attend site visits in order to vote on application
 - The Planning, Economic Development & Housing Strategy Portfolio Holder is not eligible for membership

(It is accepted that Executive Members will not normally be Members of this Committee)

- Eligibility/Non-Eligibility for Chairmanship/Vice-Chairmanship:
 - All Members of the Committee are eligible to hold these positions of office.
- Quorum: **5**

PROCEDURES

Compilation of Agenda

The Democratic Services, Scrutiny and Governance Manager is responsible for the compilation of the Agenda.

FUNCTIONS

- 1 Development Control
- 2 Advertisement Control
- 3 Building Control
- 4 Consultation on Development Proposals – the County Council and neighbouring authorities.
- 5 Regulatory Conservation Area and Listed Buildings matters.
- 6 Historic Grants.
- 7 Tree Preservation.
- 8 Street Naming and Postal Numbering.

DELEGATED POWERS

- 1 Those functions detailed below at 3 are the responsibility of this Committee.

Referencing Up

- 2 Referencing up shall be on the following basis:-
 - (a) At the beginning of the relevant meeting, any Committee/Sub-Committee Member may move reference up of any item of business. The Member must identify the grounds of significance justifying so doing. If this is seconded, the proposition shall be open to debate.
 - (b) There shall be no debate upon the contents of the report itself. Debate shall be limited to consideration as to whether the report item is of such significance as to justify its reference up to the parent body notwithstanding

that the parent body has delegated its decision making powers.

- (c) If the referencing up motion is carried, the matter shall not be determined at the meeting. If the referencing up motion is not carried, the matter shall be dealt with in accordance with the Committee/Sub-Committee's delegated powers.

Functions

- 3 That the following applications shall be decided by the Planning Committee:
- Planning Applications for 10 or more residential units or where an outline application for residential development relates to a site of 0.5 hectares or more;
 - Planning Applications for non-residential development with a gross floor area of more than 1,000 square metres or where an outline application for non-residential development relates to a site of 1 hectare or more;
 - Planning Applications for a mixed use development where the development exceeds any of the following:
 - 10 or more residential units;
 - More than 1,000 square metres (gross) of non-residential floor area;
 - An application for outline planning permission where the residential element would comprise more than 0.5 hectares;
 - An application for outline planning permission where the site area is 1 hectare or more;
 - Applications for approval of reserved matters following outline approvals on sites of 50 or more dwellings and/or non-residential developments with a floor area of more than 2,500 square metres (gross);
 - Planning applications submitted in which the applicant is a current Member or Officer of the Council;
 - Planning applications and applications for listed building consent which have been called in to be considered by the Planning Committee under the Member Call-In Procedure.

The consideration of and decision upon applications and the exercise of powers under:

- (a) The Town and Country Planning Acts
- (b) The Planning (Listed Buildings and Conservation Areas) Act 1990
- (c) The Building Act 1984
- (d) Building Regulations
- (e) Planning (Hazardous Substances) Act 1990
- (f) The Leicestershire Act 1985

- 4 The determination of applications under Section 64, Town and Country Planning Act, 1990 (power to determine whether planning permission is required).
- 5 The Council's functions under Sections 198 and 201 of the Town and Country Planning Act, 1990, in relation to tree preservation.
- 6 The granting of certificates under Section 17, Land Compensation Act, 1961, (certificate of appropriate alternative development).
- 7 The granting of certificates of lawful use or development under Section 191 and 192 of the Town and Country Planning Act, 1990 (as amended).
- 8 The determination of applications under Sections 10 and 74 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, for alteration or demolition of a listed building and the exercise of powers to execute urgent works, and conservation area consent and related powers, and the issue of building preservation notices under Section 3 of that Act.
- 9 The making of Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order, 1995 and any subsequent amendment thereof.
- 10 Power to comment upon consultations on development in adjoining Districts.
- 11 Advertisement Control.
- 12 Attendance at Conferences and Seminars and other meetings.
- 13 Enforcement procedure for contraventions of the Town and Country Planning Acts, including legal proceedings.
- 14 Service of Untidy Land Notices under Section 215 of the Town and Country Planning Act 1990.
- 15 The service of Contravention Notices for failure to comply with Building Regulations.
- 16 The naming of streets after consultation with the appropriate Town/Parish Council.
- 17 The numbering or renumbering of properties.
- 18 To deal with matters affecting Goods Vehicle Operator's Licences.

- 19 The approval or rejection of plans relating to Building Regulations submitted under the provisions of the Local Authority National Type Approval Confederation Scheme.
- 20 Prosecutions in connection with offences under any powers delegated to the Committee.

Member Call-In Procedure

For all applications submitted from 1 August 2017 onwards, that the procedure for a Member to Call-In an application to Planning Committee shall be amended to:

- a. That any planning application and listed building consent application (other than householder planning applications, applications for non-material amendments and applications to discharge planning conditions) can be called-in to Planning Committee by any Ward Member where the Local Planning Authority has the authority to determine the application.
- b. That any requests for applications to be considered by the Planning Committee should be made in writing to the Development Services Manager and Deputy Development Services Manager setting out planning reasons for the need for Committee to consider the application. The planning reasons will be included in the subsequent Committee report.
- c. That the written request has to be made within the 21 days public consultation period carried out by letter. That at the commencement of the 21 day consultation period, Members receive an email notification of any Planning Application and Listed Building Consent application within their Ward area from the Planning Case Officer.

PLANNING COMMITTEE

Officer Delegation Scheme

DEVELOPMENT MANAGEMENT		
1	Applications for planning permission under the Town and Country Planning Act 1990 (as amended) including applications to discharge conditions attached to planning permissions, applications for approval of reserved matters, applications to amend or vary planning permissions, including non-material amendments, minor material amendments or any conditions attached to such permissions.	PEDGM/ DSM/ DDSM

2	Applications for a certificate of lawfulness for proposed or existing uses or development made under the Town and Country Planning Act 1990 (as amended).	PEDGM/ DSM/ DDSM
3	Applications for listed building consent under The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), including applications to discharge conditions associated with those consents.	PEDGM/ DSM/ DDSM
4	Applications for a certificate of lawfulness of proposed works to a listed building made under The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and the Enterprise and Regulatory Reform Act 2013 (or as subsequently amended).	PEDGM/ DSM/ DDSM
5	Applications for advertisement consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (or as subsequently amended).	PEDGM/ DSM/ DDSM
6	“Prior notifications” under the Town and Country Planning (General Permitted Development Order) 2015 (or as subsequently amended).	PEDGM/ DSM/ DDSM
7	Applications for hazardous substances consent under the Planning (Hazardous Substances) Act 1990 (or as subsequently amended).	PEDGM/ DSM/ DDSM
8	Applications for tree works: works to trees subject to a tree preservation order and/or notification of proposed works to trees in a conservation area under the Town and Country Planning Act 1990 (as amended).	PEDGM/ DSM/ DDSM
9	Applications for hedgerow removal notice under The Environment Act 1995 and The Hedgerows Regulations 1997 (or as subsequently amended).	PEDGM/ DSM/ DDSM
10	To make observations on “county matters” applications and neighbouring Council applications.	PEDGM/ DSM/ DDSM
11	To determine whether an Environmental Impact Assessment is required to accompany a planning application (screening opinion), and the matters to be covered in the assessment (scoping opinion) as required under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (or as subsequently amended)	PEDGM/ DSM/ DDSM
12	The making of Tree Preservation Orders under the Town and County Planning Act 1990 (as amended) and to confirm Orders where no objection to the Order has been received.	PEDGM/ DSM/ DDSM

(NB: PEDGM – Refers to Planning and Economic Development Group Manager; DSM – Development Services Manager; DDSM – Deputy Development Services Manager).