

PROPOSED CHANGES TO CONSTITUTION TO GIVE EFFECT TO THE REPLACEMENT OF THE AREA PLANNING COMMITTEES WITH A SINGLE DEVELOPMENT CONTROL COMMITTEE

DELETE FROM PART 3 EXISTING TERMS OF REFERENCE OF AREA PLANNING COMMITTEES AND REPLACE WITH FOLLOWING:

TERMS OF REFERENCE – DEVELOPMENT MANAGEMENT COMMITTEE

CONTENTS

1. TERMS OF REFERENCE

To exercise on behalf of the Council the following functions:

- (A) The making of decisions or representations on planning and other applications falling to be considered by the District Council as a Local Planning Authority -
- (B) The making of decisions on enforcement and related planning control matters falling to be considered by the District Council as Local Planning Authority, save in those cases where such decisions are delegated to the Director of Service Delivery:

Provisos:

2. OPERATING PROTOCOL

ANNEXE A

COMMITTEE	DEVELOPMENT CONTROL
MEMBERSHIP	9 appointed by the Council annually and politically balanced
LEAD OFFICER	Director of Service Delivery
OFFICERS / UNITS PRIMARILY REPORTING	Lead Specialist - Place
SUB-COMMITTEE	None

1. TERMS OF REFERENCE

To exercise on behalf of the Council the following functions:

(A) The making of decisions or representations on planning and other applications falling to be considered by the District Council as a Local Planning Authority -

1. For residential development where the number of dwellings is nine or more, or where the number of dwellings is not given, the application site has an area of 0.2 hectares or more.
2. For all other development where the floor space to be built, or a change of use of a building is proposed for 1,000 sq. metres or more.
3. Where a Ward Member requests that an application in his / her Ward is referred to the Committee for determination in accordance with **ANNEXE A**.
4. Where proposals which, in the opinion of the Director of Service Delivery in consultation with the Chairman of the Committee are of significant public interest, would have a significant impact on the environment, or should otherwise be referred to Members.
5. Where proposals have been advertised as departures under the Town and Country Planning (Development Management Procedure) Order 2010 and where the Officers' recommendation is that permission should be granted. Except where the principle of the development has already been approved through an extant planning permission.
6. Where proposals require the submission of or are accompanied by an environmental statement in accordance with the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988.
7. Where proposals require a planning obligation, or involve the variation of a planning obligation, under Section 106 of the Town and Country Planning Act 1990 to secure the payment of monies to the Council.
8. Where an application has been resubmitted following refusal by the Committee contrary to Officers recommendation.
9. Applications submitted by Members and Officers of the Council. This includes:
 - Spouses and Partners of a Member or Officer;
 - Where it is clear that an application has been submitted on behalf of a Member or Officer, e.g. by an agent or other immediate family member;
 - Where it is clear from the application and any subsequent discussion that a Member or Officer has a close association with the applicant such as might prejudice judgement of the public interest;
 - In the interests of openness and transparency, the Director of Service Delivery in consultation with the Monitoring Officer shall have discretion in the matter of referring an application to a committee instead of determining it under delegated powers.

10. Applications in respect of the Council's own development proposals or development on Council land.

(B) The making of decisions on enforcement and related planning control matters falling to be considered by the District Council as Local Planning Authority, save in those cases where such decisions are delegated to the Director of Service Delivery:

1. To serve a Stop Notice under Section 183 of the Town and Country Planning Act 1990.
2. To seek injunctions under Section 187B or to commence any actions under Sections 94 (completion notices), 97 (revocation and modification orders) and 102 (discontinuance orders) of the 1990 Act.
3. To make and confirm directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995, including the consideration of any representations received.
4. To make and confirm Orders involving public rights of way including the consideration of any representations received.
5. The making and confirmation of Tree Preservation Orders, and the consideration of any representations or objections received.

Provisos:

1. If the Committee considers that a matter before it should be considered by either the District Planning Committee or the Council it may refer the matter to that Committee or the Council for determination save for those matters on which they are required to report to the Council.
2. The Director of Service Delivery has the discretion to refer to the District Planning Committee applications where a major policy decision is involved. In assessing whether a major policy decision is to be made the Director of Service Delivery shall have regard to the scale of development, whether it involves a major departure from policy and whether the application is the subject of widespread public interest.
3. Proposals requiring reference to the Secretary of State for Transport Local Government and the Regions under the terms of the direction at Annex 1 of the Environment Circular 07/99 shall be referred to the District Planning Committee for determination.
4. Meetings of the District Planning Committee will be convened and held for the sole purpose of considering and determining all applications for development of strategic interest as follows:

Development of Strategic Interest:

- Any development proposal which directly relates to one of the Garden Suburbs or Strategic Allocations (sites S2(a) – (k)) included within Policy S2 the Local Development Plan (LDP).
- Any residential or mixed-use development proposal which includes provision for 75 dwellings or more.
- Any large-scale renewable and low carbon energy projects, including:
 - Any wind energy proposals whose output capacity is 1Mw or more or which proposes three or more turbines of 30m or more.
 - Any Solar energy proposals whose output capacity is 1Mw or more or which proposes 4,000 or more solar panels.
 - Energy from Waste Scheme of 1MW capacity or more.
- Any development proposal which directly relates to identified *new* employment sites allocated by Policy E1 of the LDP.
- Any retail development of 1,000 square meters or more which is proposed to be beyond existing town centres as defined by Policy E2 of the LDP.
- Any proposals for a new Community Hospital or similar healthcare facility to serve the needs of the District as defined by Policy I2 of the LDP.

For the purpose of this proviso 5 “applications for development of strategic interest” shall include all applications establishing or varying the principle of development but shall not include variations to conditions or the approval of reserved matters unless in accordance with a decision of the Council or at the discretion of the Director of Service Delivery. In all other respects, the existing provisions of the Scheme of Delegation will apply.

5. A development proposal not falling within the categories set out in paragraph 4 above may also be referred to a meeting of District Planning Committee at the discretion of the Director of Service Delivery in consultation with the Chairman of the District Planning Committee and this Committee where the proposal is considered to be of particular strategic importance and interest to the District.

2. OPERATING PROTOCOL

- 1 The Committee will meet in accordance with arrangements determined by the Council.
- 2 In all other respects and as appropriate, the Council and Committee Procedure Rules will apply, in particular Procedure Rule 13(1) which prevents a member of a Planning Committee from voting in connection with the determination of a planning application or related matter unless he/she has not undergone fundamental induction training.

ANNEXE A

Determination of Planning Applications – Member Call-In

- (i) The effect of this facility is to enable a Member to request that an application is referred to the Committee for determination instead of being determined under powers delegated to the Director of Service Delivery.
- (ii) A Member may 'call in' an application from their Ward or another Ward within the following areas:
 - Call-in area 1 – Maldon North, South, East, West
 - Wards Call-in area 2 – Heybridge East and West
 - Wards
 - Call-in area 3 – Burnham-on-Crouch North and South Wards
 - Call-in area 4 – Althorne, Mayland, Southminster and Tillingham Wards
 - Call-in area 5 – Tollesbury, Tolleshunt D'Arcy, Great Totham Wards
 - Call-in area 6 – Purleigh, Wickham Bishops and Woodham Wards
- (iii) Requests must be made in writing to the dedicated email address – and within 28 days of the date an application appears on a published Weekly List produced by Planning Services. When an application is amended, and the parish or town council is re-consulted, requests can be made in writing to the dedicated email address provided it is within the consultation period provided to the parish or town Council.
- (iv) A Member must provide a reason based on planning policy to support a call-in request.
- (v) A Member is under no obligation to invoke this provision on the basis of any public representation or request he or she may have received, including town or parish council, but may wish to take this into consideration, as he or she may also wish to do when reviewing the request as set out below.
- (vi) Where a Member's request is the only reason for an application being referred to the Committee, the Director of Service Delivery will notify the Member of his recommendation on the application following which the Member may withdraw his or her request.
- (vii) Due to the limited time available all responses to Certificates of Lawful Use for Proposed Development and prior notifications, including those in relation to agricultural buildings, telecommunications, hedgerows, trees in conservation areas and demolition are delegated to the Director of Service Delivery unless he considers that they should be referred to the Committee, time permitting.