

Proposed Terms of reference of Planning Sub-Committee

Definitions:

In these terms of reference the following expressions shall have the following meanings:

Major Applications - any application in excess of 2,000 sq. m or more than 15 residential units save for any Section 73 Application.

Non-Major Applications – any application that does not fall within the definition of Major Applications, and which for the avoidance of doubt includes: Residential schemes of up to 15 units requiring affordable housing which comply with policy and/or educational contributions according to agreed planning formulae and/or car free developments/green travel plans; Non-residential proposals of less than 2,000 sq. m. requiring a legal agreement under S.278 of the Highways Act 1980.

Section 73 Applications – any application made under section 73 of the Town and Country Planning Act 1990 (as amended).

The Planning Sub-Committee will then consider the following categories that are recommended for approval (categories 1-5) or refusal or as a consultation response or endorsement or notification (as applicable) (categories 1(d), 1(e), 2), 4), 5), and 7) below under any legislative provisions that can relate to development (“the Planning Acts”) subject to the exemptions in 6)

- 1 a) Major Applications
 - b) Involve a significant departure from the approved Hackney Development Plan.
 - c) Any application requiring a legal agreement with the exception of the following:
 - I. Legal agreements for any Non-Major Applications or Section 73 Applications (where the original condition was not specifically imposed by Members of the sub-committee in response to objectors)
 - II. Variation of legal agreements relating to the applications in c)i. or where it does not substantially vary the nature of the proposed development
 - d) Any application submitted by or on behalf of a member or officer of the Council (or their spouse or partner or dependent).
 - e) Any other planning matter which at the discretion of the Head of Planning should be considered by the Planning Sub Committee, paying particular regard to applications which have received substantial public response, a substantial number of objections or in circumstances where an application has been appealed to Planning Inspectorate or called in by any body and the Head of

Planning considers that Planning Sub-Committee should endorse a decision/course of action.

- 2 Responses to consultation by authorities on applications with significant cross borough impacts.
- 3 Involving the total or partial (substantial) demolition of any listed building, which is not accompanied by an application for redevelopment
- 4 Any 'Council's own' application involving more than 100 sq. m of floor space, a change of use, more than 5 residential units, (or) which have received any individual letters of objection or a petition raising material planning issues .
- 5 Any application upon the written request of at least 5 members of Planning Sub- Committee or 10 or more members of the Council, stating the planning reasons for this call-in and which request is received by the Head of Planning prior to the expiry of the publicity time period for such an application
- 6 The following are where applicable (subject to any of the above categories applying or Planning Sub-Committee resolving otherwise in regards to a particular matter) not to be determined/considered by the Planning Sub Committee (being dealt with instead under delegated powers):
 - I. Section 73 Applications unless approval is being sought to amend a condition specifically imposed by Members of sub-committee in response to objections of the original application
 - II. Non-Major Applications
 - III. Any minor alterations, additions or deletions to the recommended heads of terms and/or recommended conditions as originally approved by Planning Sub-Committee (and if applicable to authorise any such changes requested by the GLA or other government/statutory body) after consultation with the Chair of PSC (or in their absence the Vice-Chair).
 - IV. All other planning matters, including all enforcement matters, whether recommended for approval or refusal, as set out under the Planning Acts, to be delegated to the Corporate Director of Legal, HR and Regulatory Services
- 7 The Planning Sub-Committee may meet to consider pre-application planning proposals in accordance with any pre-application meeting terms of reference. No decisions will/can be taken at the pre-application meeting with the consideration/determination of any consequent application subject to these Planning Sub-Committee terms of reference.

The quorum of the Planning Sub-Committee is 3 elected members.

Existing Terms of reference of Planning Sub – Committee /Scheme of Delegation to Officers

Consideration of the following categories to be determined for approval (all categories) or refusal (categories 1(f), 1(g), 2, 5 and 6) below) under the Planning Acts as amended:

1.
 - a) Major applications which shall be defined as any application in excess of 2,000 sq. m floor space or more than 15 residential units.
 - b) Involve a substantial departure from the approved Hackney Unitary Development Plan and subsequently the Local Development Framework (LDF).
 - c) Any application requiring a legal agreement under S106 Town and Country Planning Act 1990 (as amended) or the Highways Act 1980, with
 - d) the exception of the following:
 - i. Residential schemes of up to 15 units requiring affordable housing which comply with policy and/or educational contributions according to agreed planning formulae and/or car free developments/green travel plans; Issue No.14 (July 2015)
 - ii. Non-residential proposals of less than 2,000 sq.m. requiring a legal agreement under S.278 of the Highways Act 1980; and
 - iii. Variation of legal agreements where it does not substantially vary the nature of the proposed development.
 - e) Where the determination might involve the Council in payment of compensation, with the exception of works to protected trees.
 - f) Any application submitted by or on behalf of a member or officer of the Council (or their spouse or partner).
 - g) Any other planning matter which the Head of Planning considers should be determined by the planning committee, paying particular regard to applications which have received substantial public response.
- 2) Responses to consultation by adjoining authorities on applications with significant cross borough impacts.
- 3) Involving the demolition of partial demolition of any listed building and substantial demolition of any building in a Conservation Area, which is not accompanied by an application for redevelopment.
- 4) Involving the total or substantial demolition of any building in a Conservation Area where the scheme exceeds the thresholds noted in 1) a) above.

5) Any 'Council's own' application involving more than 100 sq. m of floor space, a change of use, more than 5 residential units, or any individual letters of objection or a petition raising material planning issues.

6) Upon the written request of at least 5 members of the Planning Sub-committee or up to 10 members of the Council, any application so requested shall be referred to the relevant committee or its appointed sub-committee.

All other planning matters, including all enforcement matters, whether recommended for approval or refusal, as set out under the Planning Acts, to be delegated to the Corporate Director of Legal, HR and Regulatory Services.

The quorum for the Planning Sub-Committee shall be 3 elected Members.