

## **BRIEFING NOTE – AMENDMENTS TO PLANNING TERMS OF REFERENCE**

### **1. Summary**

1. The powers exercised by the Planning Sub-Committee to determine applications are given through the Council's constitution. Amendments have been prepared to revise the terms of reference for the Planning Sub-Committee.
2. The proposed changes are deemed to be minor in nature. A key theme throughout the amendments has been an attempt to improve clarity, consistency of terminology, simplicity and removal of cumbersome cross-referencing. It is proposed that the opening paragraph includes clear definitions for major and minor developments to achieve this.
3. The most significant amendment is the exclusion of decisions relating to Section 73 planning applications, which is where an applicant seeks to amend conditions included on an existing planning permission. If such Section 73 applications are linked to a major planning application that has already been approved by sub-committee, the current Terms of Reference means that it must also be referred to sub-committee for approval in the same way as any new major planning application. However where such applications only make minor material amendments, Planning Sub-Committee must take the previous decision for the major application into account, and so it is not worth the committee's time hearing/debating the entire the application again as the principle is already established (although the Head of Planning could still request PSC determine a section 73 under 1(e), as could members under 5). The exception to this will be if an amendment is being sought to a condition that was specifically imposed by Members as a response to objections to the original application. Reference to Section 73 applications are therefore included within the categories of applications not considered or determined by committee under part 6 of the Terms of Reference.
4. The other proposed changes are also very minor. These include recognition of other scenarios whereby Planning matters at the discretion of the Head of Planning should be considered by the Planning sub-committee. This includes the endorsement of recommendations (where there is no planning decision to make, for example when a matter has already been appealed for non-determination by the Council).
5. Part 5 of the revised terms of reference clarifies the timeframe for when Members can request that applications be determined by Planning Sub-Committee. This will avoid a complaint scenario whereby the matter they are requesting has already been determined under delegated powers (which has happened at other local planning authorities).
6. As well as deal with the Section 73 issue mentioned in paragraph 3 above, the expanded Part 6 also makes clear that the Planning sub-committee will not consider or determine minor amendments to conditions/heads of terms (unless the original condition was imposed by Members in response to objections), which is particularly useful in instances where such amendments are necessary to any report already considered by Planning sub-committee.
7. Proposed revisions are considered to add clarity to the existing terms of reference, or avoid planning applications being considered by Sub-Committee when they are not highly controversial in nature or of strategic importance. This will ensure the Sub-Committee meeting agendas are as streamlined and as efficient as possible, whilst still providing the

Head of Planning scope to refer additional planning matters to the sub-committee when it is felt necessary.