

Appendix 1 - Planning Sub-Committee Terms of Reference (as approved at the 24 July 2023 Council meeting)

Appendix 3 - Terms of Reference of Council Committees etc Planning Sub-Committee

Functions

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 section 278 of the Highways Act 1980.

Section 73 Applications

Any application made under section 73 of the Town and Country Planning Act 1990.

1. The Planning Sub-Committee will 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.

(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 Councillor 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 the 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):
 - (a) 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;

(b) Non-major applications;

(c) 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);

(d) 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 Group Director, Climate, Homes and Economy.

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. Type of Committee This is a non-executive Committee established by Full Council to discharge regulatory functions.

Membership

Membership of this Committee is appointed in accordance with political balance at Full Council.

Chairing arrangements

The Chair and Vice Chair of this Committee is appointed at Full Council. In the absence of the Chair or Vice Chair, and subject to being quorate, the Committee members can agree who may preside over the meeting based on the number of those present in person.

Quorum and Voting Arrangements

The quorum for a meeting of this Committee is three members which must include the Chair. The Chair (or the Vice-Chair, in the Chair's absence) will read out the recommendation summary as set out in the planning application report(s) and Committee members will be invited to raise their hand to vote on the recommendation.

Substitutes

Substitutes to the Committee will be appointed by Full Council for the purposes of establishing a quorum and will have the same voting rights as regular committee members. There are six substitute members for the Committee and reflect the political balance of the Council.

Order of Business

- (a) Apologies for Absence
- (b) Declarations of Interest
- (c) To consider any proposal/questions referred to the sub-committee by the Council's Monitoring Officer
- (d) Minutes of the Previous Meeting
- (e) Planning application(s)*
- (f) Delegated Decisions
- (g) Any Other Business the Chair Considers to be Urgent

*If there is more than one planning application under consideration at the meeting their order of priority on the agenda will be determined by the Planning Service before the publication of meeting papers. Who may attend? Meetings of the Committee are open to the press and public.

Location

This Committee meets at the Council's main offices or any other suitable location. You can also view meetings online in accordance with the Access to Information Procedure Rules in Part 6, Section C of the Council's Constitution with the Protocol on Recording and Live Streaming Council Meetings set out in Part 6, Section F of the Constitution.

Speaking at the Committee

Persons who have submitted a previous written representation to the Council in respect of a planning application, a nominated agent or any local Councillor can register to speak at the meeting at which the application is considered by the

Committee. These persons must contact the Governance Officer the day before the meeting by 4:00pm to register to speak (or 4:00pm on the last clear working day before the meeting if the meeting is held on a Monday).

Papers and Notice

The agenda and any papers for the Committee will be issued at least 5 working days in advance of the meeting, except in the case of matters of urgency.

Review

The terms of reference will be reviewed on an annual basis, or as necessary, to support the functions and objectives of this Committee. Updates to the terms of reference will be agreed annually at the Committee's first meeting of the municipal year.

Last reviewed: Date xxx