

Planning Committee

Appendix B

1. Planning Committee

Appointed by Council at the first business meeting of the municipal year.

The Planning Committee deals with applications for planning permission for development and associated matters within the Borough under the Town and Country Planning Act 1990 and related legislation.

NOTE: Schedule I of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets out the list of powers which must not be exercised by Cabinet. This includes the list of relevant planning powers and functions at paragraph 4.

These powers are either exercised by the Planning Committee (see paragraph 5) or by officers in accordance with the scheme of delegation (see paragraph 6)

2. Membership

- (a) **Political Balance.** The committee is required to have proportional political balance in accordance with the requirements of the Local Government & Housing Act 1989.
- (b) **Membership.** 15 members.
- (c) **Chairing the Committee.** Chairman appointed by the Council at the first business meeting of the new municipal year.
- (d) **Guidance.** Members need to have regard to the 'Guidance on Member Involvement in Planning Procedures' to be found in Appendix 3 to the Constitution

3. Training & Public Participation

3.1 All members of the committee must:

(a) Have undertaken mandatory training on the relevant law and procedures which relate to the committee's work

(b) Undertake further mandatory training on an ongoing basis whilst they continue to be members of the committee

3.2 Guidance on Participation by the Public & Members of the Council at Planning Committee can be found at Part x of the Constitution

4. Planning Functions

(Note - these are prescribed by Schedule I of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000)

(1)	(2)
Function	
A. Functions relating to town and country planning and development control	Provision of Act or Statutory Instrument
Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c. 8).
Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.
Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.

Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).
Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 (S.I. 1992/666).
Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.
Power to issue a temporary stop notice.	Section 171E of the Town and Country Planning Act 1990
Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.

Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.
Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991 (c. 34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.
Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
Power to determine application for listed building consent, and related powers. [...] ⁷	[Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Duties relating to applications for listed building consent [...] ⁸	[Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) and [regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519)] ⁹ and [paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01
Power to serve a building preservation notice, and related powers.	[Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Power to issue enforcement notice in relation to demolition of [listed] ¹¹ building in conservation area.	[Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Powers to acquire a listed building in need of repair and to serve a repairs notice.	[Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)

Power to apply for an injunction in relation to a listed building.	[Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Power to authorise stopping up or diversion of highway.	[Section 247 of the Town and Country Planning Act 1990 (c.8).
Power to execute urgent works.	[Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)

5. Terms of Reference for Planning Committee

1. To determine applications for planning permission (save for minor variations to existing permissions) where:
 - (a) it relates to residential development and it will result in 10 or more dwellings being constructed or concerns a site greater than 0.5 hectares in size
 - (b) for any other form of development if it results in floor space greater than 1000 square metres
2. To determine any applications for Class A4 and A5 Food & Drink uses (Hot food takeaways/Pubs).
3. To determine any application where the applicant or a close relative of the applicant is a member or employee of South Ribble Borough Council. (Close relative is defined as a spouse, partner, parent, parent-in-law, son, or daughter).
4. To determine any application where the Officer who would normally make the decision knows that a member or employee of South Ribble Borough Council has a declarable interest in the application.
5. To consider any application which, within 3 weeks of its receipt, a member has requested the Director of Development, Enterprise and Communities refer to the Committee. Any request must be accompanied by appropriate planning reasons for the referral.

Where none of the above applies the decision will be made under the power of officer delegation set out in paragraph 6 below. This will include cases where the decision may be contrary to views which have been received from interested parties.

6. Scheme of Delegation to Officers for Consideration of Planning Applications

1. To determine the following applications:

- (i) The formation or alteration of a means of access to a highway.
- (ii) Extensions, enlargements or other alterations to existing residential property and ancillary residential development within a domestic curtilage.
- (iii) Alterations to approved housing layouts not involving any increase (up to 10%) in the number of dwellings or an increased number of access points.
- (iv) All garages for the garaging of private motor vehicles.
- (v) The erection or construction of gates, fences, walls or other means of enclosure.
- (vi) Extensions, ancillary buildings and plant or machinery within an existing commercial, industrial or non-domestic curtilage where the decision is in accord with the provisions of the Development Plan.
- (vii) The change of use of any building(s), or part of a building, but excluding proposals for Classes A4 (Drinking establishments), A5 (Hot Food Takeaway) and C2 (residential institutions) of the Use Classes Order, where the decision is in accord with the provisions of the Development Plan.
- (viii) Provision of shop fronts and alterations to existing shop fronts.
- (ix) Applications for consent to display advertisements.
- (x) Renewal of permission or approvals where there is no material change in circumstances (including permissions which are time expired).
- (xi) Discharge of planning conditions imposed on the granting of planning permission which are not "reserved matters".

- (xii) Changes of use of land where the decision is in accord with the provisions of the Development Plan.
- (xiii) The erection, extension or alteration of agricultural buildings on agricultural land, reasonably necessary for the purposes of agriculture within that unit.
- (xiv) The erection or alteration of buildings for the stabling of horses on non-residential land.
- (xv) The construction or adaptation of floodlighting columns.
- (xvi) The construction of car parks, service roads, or other access serving an existing use.
- (xvii) Lawful Development Certificate applications.
- (xviii) Expressing the views of the Council on "County Matter" applications or on consultations as neighbouring Local Planning Authority where the development involved, if submitted to this Council as a planning application, would have been a delegated matter under this scheme.
- (xix) Non material amendments to approved applications.
- (xx) Telecommunications applications located in employment or industrial areas where no amenity issues are raised.
- (xxi) Requests for Screening or Scoping opinions under the Town and Country Planning (Environmental Impact Regulations).
- (xxii) The initial drafting and consultation in relation to a Local Development Order prepared in line with the Town and Country Planning (Development Management Procedure) (England) Order 2010.
- (xxiii) The taking of all forms of Enforcement and related action (including the institution of prosecutions) under the provisions of Town and Country Planning Act 1990.
- (xxiv) The carrying out of any other planning function not expressly referred to.