

PLANNING COMMITTEE

(10 Members)

1. PURPOSE

To determine applications for planning permission, Listed Building Consent, Conservation Area Consent, Tree Preservation Orders, works to protected trees, advertisement consent, reserved matters, applications for permission in principle and agree measures for the Enforcement of Planning Control, consultation responses from other bodies and agreements made under Section 106 of the Town and Country Planning Act 1990.

There is a split in the delegation of development management functions between the Head of Economy and Planning and the Planning Committee. More information on the functions delegated to the Head of Economy and Planning and those functions reserved for the Planning Committee can be found in this section and the Council Officer Responsibilities and Decision Making section of this Constitution.

2. RESPONSIBILITIES OF THE PLANNING COMMITTEE

To discharge those functions falling within the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Regulations 2 and 3 and Schedule 1 Part A Paragraphs 5-31, Part I Paragraphs (46-47A) and Schedule 2 Paragraph 16 and as may be amended.

To exercise the powers and functions of the Council as a Local Planning Authority under the:

- Antisocial Behaviour Act 2003.
- Community Infrastructure Levy Regulations 2010 – as amended.
- Hedgerow Regulations 1997.
- Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
- Planning (Hazardous Substances) Act 1990.
- Planning and Compensation Act 1991.
- Planning and Compulsory Purchase Act 2004.
- Planning Act 2008.
- Town and Country Planning Act 1990 – as amended.
- Town and Country Planning (Brownfield Land Register) Regulations 2017.

3. DECISIONS WHICH WILL BE TAKEN BY THE PLANNING COMMITTEE

All of the responsibilities of the Planning Committee (detailed in Paragraph 2) are delegated to the Head of Economy and Planning* except the following which are reserved to the Committee:

- a) Where a Councillor calls for the application or enforcement action to be determined by the Committee.

- b) Where an application has been submitted by or on behalf of the Council, either alone or jointly with another person (including those premises managed on the Council's behalf i.e. The Hawth, K2 Crawley and Tilgate Forest Golf Centre).
- c) Where an application has been submitted by, or on behalf of, a Councillor, an officer or a member of their immediate family.
- d) Any application that is defined as a departure application under the Town and Country Planning (Development Management Procedure) (England) Order 2015, where the recommendation of the Head of Economy and Planning would represent a departure from the Local Plan. (Any such decision to grant planning permission shall be submitted to the Full Council for determination).
- e) The application is for a major development (as defined under the Development Management Procedure Order) of any kind.
- f) Where four or more persons in different households make a written representation which discloses a material planning consideration within the consultation period and is inconsistent with the Head of Economy and Planning's recommendation.
- g) Where one or more residents' association, amenity group, conservation group or statutory consultee make a written representation which discloses a material planning consideration within the consultation period and is inconsistent with the Head of Economy and Planning's recommendation.
- h) A recommendation to the Full Council on the written representation in respect of a Development Consent Order Application Process (where the Council is a host authority) subject to a scheduled Full Council meeting aligning with the response timescales set by the Planning Inspectorate, otherwise the matter will be solely dealt with by the Planning Committee.
- i) Where an objection has been received to the making of a Tree Preservation Order and the Head of Economy is minded to confirm the Tree Preservation Order.
- j) Power to approve or decline sites for entry into Part 2 of the Brownfield Land Register.
- k) Power to serve a completion notice.
- l) Power to require the discontinuance of a use of land under Section 102 of the Town and Country Planning Act, 1990.
- m) Powers in relation to common land and town or village greens, in relation to registration, enforcement, protection and prosecution under powers in relation to enforcement against unlawful works under Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008 (S.I. 2008/1961), Section 41 of the Commons Act 2006, Sections 45(2)(a) and 45(2)(b) of the Commons Act 2006.

NB:

- *For clarification, where this section makes reference to an "application", this relates to any type of planning application (including consultations from West Sussex County Council and other statutory undertakers) with the exception of householder notifications, prior approval applications (excluding telecoms), certificates of lawfulness, non material amendments, requests for Screening and Scoping Opinions, Section 211 Notices and those requesting a discharge of planning permission.*

* NB:

- *The Head of Economy and Planning may further delegate these matters as they see fit.*
- *The Head of Economy and Planning may decline to exercise any of the above functions in a particular case and must then refer the matter promptly to the Committee for consideration.*

4. DOCUMENTS RELATED TO THE PLANNING COMMITTEE

- Code of Conduct on Planning Matters.
- Speaking at Planning Committee Procedure Rules.
- Council Officer Responsibilities and Decision Making.