

Waverley Borough Council

EASTERN and WESTERN Planning Committees - Terms of Reference

Temporary arrangements for 2020/21 (until a decision is taken by Full Council to revert to the substantive arrangement)

Where these Terms of Reference are silent on a matter of procedure, the current Procedure Rules as set out in the Waverley Borough Constitution take precedence.

Purpose of the Planning Committees

1. The key purpose of planning is to manage development in the public interest.
2. The purpose of the Planning Committees is to exercise the Council's functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (Amendment No 2) (England) Regulations 2004 (the Functions Regulations) [see Appendix 1], in so far as these are not delegated to the Head of Planning & Economic Development.
3. The EASTERN and WESTERN Planning Committees will assume the decision-making powers of the Joint Planning Committee and the four Area Planning Committees as they relate to planning applications within the Eastern and Central borough wards, and the Southern and Western borough wards, respectively.

Membership [PR4]

4. The EASTERN and WESTERN Planning Committees will each comprise 15 Members, appointed on a politically proportional basis as follows:

EASTERN = 15 Members out of 28 ward seats plus 9 substitute members

(Alford, Cranleigh Rural & Ellens Green; Blackheath & Wonersh; Bramley, Busbridge & Hascombe; Dunsfold*; Cranleigh East; Cranleigh West; Elstead & Thursley; Ewhurst; Godalming Binscombe; Godalming Central & Ockford; Godalming Charterhouse; Godalming Farncombe & Catteshall; Godalming Holloway; Milford' Shamley Green & Cranleigh North; Witley & Hambledon)

WESTERN = 15 Members out of 29 ward seats plus 8 substitute members

(Chiddingfold*; Farnham Bourne; Farnham Castle; Farnham Firgrove; Farnham Hale & Heath End; Farnham Moor Park; Farnham Shortheath & Boundstone; Farnham Upper Hale; Farnham Weybourne & Badshot Lea; Farnham Wrecclesham & Rowledge; Frensham, Dockenfield & Tilford; Haslemere Critchmere & Shottermill; Haslemere East & Grayswood; Hindhead)

*NB Dunsfold & Chiddingfold ward is split between the two areas.

5. Members and substitutes will be appointed by Council, with regard to the nominations of the political Group Leaders.
6. The Chairman and the Vice-Chairman of the Committees will be appointed by Council or elected by the committee as a vacancy arises.
7. Any Member of the Council may be a member or substitute member of a Planning Committee.

Substitute members

- 7.1 Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.
- 7.2 The following procedure will apply to the appointment of substitutes when members are not able to attend a meeting of a Committee, including in the case of a vacancy:
 - (a) The member unable to attend a Committee meeting will submit their apologies to the Head of Policy and Governance at least four clear working days in advance of the meeting to enable a substitute to be arranged, if applicable [eg. by the end of Wednesday for a meeting the next Wednesday].
 - (b) The Head of Policy and Governance will then approach substitutes from the appropriate political group in the order agreed by the Council or the parent Committee.
 - (c) Substitute members must be from the same political group as the member giving the apology, and in the event that no substitute is available, no substitute will be made for that member.
 - (d) The Head of Policy and Governance will notify the Committee of any substitutions at the start of the meeting.
 - (e) Substitutes shall exercise the full voting rights of a member of a Committee when attending a Committee meeting.
 - (f) Substitute members shall be eligible for payment of travelling and subsistence allowances.
 - (g) Members on substitute lists will be sent the full agenda for meetings.
8. All Members of the Committee and Councillors attending as Substitutes must have undertaken mandatory training in the relevant law and procedures which relate to the Committee's work; and, must undertake further mandatory training on an ad hoc basis and at least annually.

Time and Place of Meetings [PR 5, PR6]

9. The time and place of meetings will be determined by the Head of Policy & Governance and notified in the summons.
10. Planning committee meetings will take place in accordance with an agreed schedule. Extra meetings may be scheduled as required.
11. The Head of Policy & Governance will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the Head of Policy & Governance will publish the agenda on the Council's website and send an electronic summons to every member of the Planning Committee. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are necessary. The agenda will also be published on the Modern.Gov app.
Public participation

Chairman of Meeting [PR7]

12. The Chairman presiding at the meeting may exercise any power or duty of the Mayor.

Quorum [PR8]

13. The quorum of a meeting will be one quarter of the whole number of members (ie four Members). During any meeting, if the Chairman counts the number of members present, whether in person or attending remotely, and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

Members speaking [PR23]

14. Any Member of the Council who is not a Member of a Planning Committee shall be entitled to attend any meeting of that Committee, but not to vote, but shall be entitled to speak on any specific item for up to four minutes.
15. Any Member wishing to do this shall have to give notice specifying the item to the Head of Policy and Governance by noon on the day of the meeting if the meeting begins after 2pm or by 5pm on the previous working day if the meeting commences before 2pm. The Chairman may waive this rule.
16. Members may seek the consent of the Chairman to present documents or photographs in support of when they speak, but should give the Head of Policy and Governance forty-eight hours' notice, but where this has not been possible the Head of Policy and Governance and Chairman may waive the rule.

17. In the case of Planning Committee meetings, where a Member addresses the Committee on a matter affecting their ward, they shall have a right to speak again towards the end of the debate to clarify any matters.

Public Speaking Scheme for Planning Meetings

18. Waverley runs a public speaking scheme for the Planning Committees. It applies to planning applications scheduled to be determined by one of the planning committees and which have received five or more letters of support (from separate addresses) or five or more letters of objection (from separate addresses).
19. If a planning application is subject to public speaking at a planning committee, there will be three slots, each of four minutes, in which a representative of the objectors, the Town or Parish Council, and a supporter (usually the applicant or agent) may make a statement. Speakers may not present documents or photographs in support of their statement.

Appendix 1

Extract from Waverley Borough Council Constitution Part 3 Responsibility for Functions:

Council functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (Amendment No 2) (England) Regulations 2004 (the Functions Regulations)

Power

To make decisions on the administrative and procedural issues affecting the determination of applications.

Power to determine planning applications

Power to determine applications to develop land without compliance with conditions previously attached

Power to grant planning permission for development already carried out

Power to decline to determine planning applications for planning permission

Duties relating to the making of determinations of planning applications

Power to determine applications for planning permission made by the Council

Power to make determinations, give approvals and agree other matters relating to the exercise of permitted development rights, including Article 4 Directions removing such rights

Power to enter into or vary or discharge agreements relating to development or use of land, including the enforcement of a restriction or requirement imposed by an agreement.

Power to issue certificates of lawfulness of existing or proposed use or development

Power to serve a completion notice

Power to grant consent for the display of advertisements

Power to authorise entry onto land

Power to authorise applications for warrants to enter land

Power to require the discontinuance of a use of land

Power to require proper maintenance of land

Power to serve a Planning Contravention Notice, Breach of Condition Notice or Stop Notice (including temporary stop notice)

Power to issue an enforcement notice

Power to apply for an injunction restraining breach of planning control, or in relation to a listed building

Power to determine applications for hazardous substances consent and related powers

Power to determine applications for listed building consent and related powers and duties relating to applications for listed building consent

Power to determine applications for Conservation Area Consents and to issue an enforcement notice in relation to demolition of an unlisted building in a Conservation

Area

Power to serve a Building Preservation Notice and related powers including the power to execute urgent works

Powers relating to the preservation of trees and protection of important hedgerows

Appendix 2

Extract from Scheme of Delegation to Officers

M. HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Development Control and Planning Policy

Authority	After Consultation with	Function
M.1 To determine major planning applications where these are resubmitted applications previously refused only for SPA reasons which are now resolved and where: (a) the application is not materially different from the original application; (b) the material considerations affecting the decision have not changed; (c) there is no request from a councillor to call in the application for determination by the Committee as set out in 3(b) below.	The Chairman of the relevant Joint Planning Committee and Ward Councillors	Non-executive
M.2 To agree variations to Section 106 legal agreements under the Town and Country Planning Act 1990 which relate to planning applications determined by the Area Planning Committees and Joint Planning Committee	The Chairman of the relevant Joint Planning Committee and Ward Councillors	Non-executive
Authority		Function
M.3 To make all decisions, take all actions and exercise all powers in respect of the Council's Development Management, Planning Policy and Planning Enforcement functions in accordance with any one or number of the following legislation (and any regulations and/or statutory instruments made thereunder) and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's Development Management, Planning Policy and Planning Enforcement functions: i. Caravan Sites and Control of Development Act 1960 ii. Countryside and Rights of Way Act 2000 iii. Enterprise and Regulatory Reform Act 2013 iv. Environment Act 1995 v. Environmental Protection Act 1990 vi. Growth and Infrastructure Act 2013 vii. Housing Act 1996 viii. Housing Act 2004 ix. Human Rights Act 1998 x. Infrastructure Act 2015 xi. Local Democracy, Economic Development and Construction Act 2009		Non-Executive /Executive

- xii. Local Government Act 2003
- xiii. Localism Act 2011
- xiv. Planning (Hazardous Substances) Act 1990
- xv. Planning (Listed Buildings and Conservation Areas) Act 1990
- xvi. Planning Act 2008
- xvii. Planning and Compensation Act 1991
- xviii. Planning and Compulsory Purchase Act 2004
- xix. Pollution Prevention and Control Act 1999
- xx. Town and Country Planning Act 1990
- xxi. Building Act 1984
- xxii. Self-build and Custom Housebuilding Act 2015
- xxiii. Neighbourhood Planning Act 2017
- xxiv. Anti-Social Behaviour Act 2003

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| M.4 | <ul style="list-style-type: none"> (A) to determine planning applications, applications for advertisement consent, non-material and minor material amendments applications, details to comply with conditions, variation/removal of condition applications, prior notifications/prior approval notices and certificates of lawfulness (after consultation with the Borough Solicitor for applications of certificates of lawfulness); (B) to determine applications for listed building consent and to take action in relation to listed buildings and Conservation Areas; (C) to respond to consultations and notifications from other local authorities, public bodies, etc.; (D) to determine the need for an Environmental Impact Assessment and/or a Strategic Environmental Assessment; (E) to take direct action/seek injunctions in relation to breaches of planning control, remove unauthorised signage/advertisements and remedying the condition of land; (F) to serve, amend, vary, withdraw, revoke any notices, permissions, certificates (as appropriate) (including but not limited to: enforcement notices, breaches of condition notices, temporary stop notices, stop notices, amenity notices, planning contravention notices, community infrastructure stop notices, certificates of lawfulness); (G) the making and/or adoption of any plan for the purposes of neighbourhood planning | Non-executive |
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except:

(a) planning applications that must be referred to the **Joint** Planning Committee in accordance with Part 3 of the Constitution and as set out below:

- (a.1) To review all housing schemes which propose a net increase of more than 25 dwellings, where the recommendation is for permission to be granted

(a.2) To consider applications defined as major, as defined by the Government (10 or more units of residential accommodation, more than 1,000 sqm commercial floor space and site area of more than 1 hectare) and which, in the judgement of the Chief Executive, after consultation with the Head of Planning & Economic Development and the appropriate Area Planning Committee Chairman, meet the following criteria

- i. have a significant planning impact beyond the Area in which they are situated, and/or
- ii. are of strategic importance, and/or
- iii. involve new planning issues for the Borough; or
- iv. is a revised application for parcel of land within a development with an extant planning permission previously determined by Joint Planning Committee, or an area planning committee, that increases the total number of dwellings on the total site; and/or
- v. where a revision to an extant planning permission brings the total number of dwellings on a site to 25 or more; or

(a.3) where within three weeks of the application appearing on the Waverley weekly list of planning applications, the Chairman and Vice-Chairman of the relevant Area Planning Committee and the ward member request that it be referred to the Joint Planning Committee and put forward relevant grounds as set out in (i) to (v) above, the Chief Executive and Head of Planning & Economic Development will normally submit the application to the Joint Planning Committee;

(b) any planning application where, within three weeks of the publication of the weekly list of planning applications, any councillor from the relevant Area Committee (for the Committee including all or part of the planning application site concerned) makes a request to the Head of Planning & Economic Development (or any officer(s) nominated by them), which may or may not be supported in writing by the relevant Town or Parish Council, putting forward matters that are relevant planning grounds, to refer an application to the next appropriate meeting of the Area or Joint Planning Committee for determination;

(For (b) above) Where the three-week call-in period has expired, but the Head of Planning & Economic Development is satisfied that there is sufficient justification on planning grounds

and the application has not been determined, they may, after consultation with the Chairman of the relevant Committee, arrange for that application to be referred to the Committee;

(c) any planning application submitted by or on behalf of a serving Councillor or employee of the Council, or the spouse or partner of any of the above persons;

(d) any planning application where an objection from a statutory consultee remains unresolved and the officer's recommendation is to approve the application;

(e) any planning application where the Council is the applicant;

(f) any planning application which is required to be referred to the Secretary of State;

(g) planning applications, which by the time of the expiry of the 21 day consultation period, have received 5 or more letters of objection or 5 or more letters of support (but not a combination of both, and not from the same individual or the same household) shall only be determined under delegated powers after the Head of Planning or Economic Development (or any officer nominated by them) has received written confirmation from the relevant ward members(s) that they do not wish the matter to be determined by the relevant Planning Committee.