

Constitution of West Lindsey District Council

Part IV

Responsibility for Functions



Planning Committee

1. To be responsible for the following areas:
 - To determine and advise upon planning applications and local authority development proposals
 - Street naming and numbering
 - Building Regulations
 - Public Path orders
 - Certificates of lawfulness
 - Agreements under section 106 of the Town and Country Planning Act 1990
 - Other agreements associated with specific applications
 - Advertisement consents
 - Revocation/modification orders
 - Enforcement proceedings
 - Tree Preservation orders
 - Consents to fell/lop trees
 - Listed Buildings consents
 - All other notices, demands, permissions and consents or otherwise referred to in Town and Country Planning legislation
2. To make or issue observations and representations on development proposals by the County Council and neighbouring authorities.
3. Conservation and heritage.
4. To administer the registration provisions contained in Town and Country Planning legislation.
5. To exercise the Council's statutory functions in accordance with building regulations and associated legislation.
6. To authorise the institution, prosecution or defence of any legal proceedings in connection with any functions of this committee.

Note: Any Member wishing to serve or substitute on this Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

Director of Planning, Regeneration and Communities

Development Management

1. To determine the following:

- Applications for planning permission;
- Applications for Listed Buildings and demolition in conservation areas;
- Applications made under the Hazardous Substances regulations;
- Applications for consent to display advertisements.

The above powers cannot be used if the following circumstances apply:

- a) In the case of an application it is intended to determine in conflict with a representation received from a parish or town council, a neighbour or other person or organisation, that application will be referred to the Planning Committee for determination where, in the professional opinion of the Director, or Planning Team Manager, (with consultation of the Monitoring Officer if considered appropriate):
 - (i) The representation relates to a “planning matter”; and
 - (ii) The representation and the planning matters raised are directly relevant to the application under consideration; and
 - (iii) The planning matters under consideration in the determination of the application are finely balanced.
- b) The application has been subject to a request by a Parish Council during the formal 28 day consultation period to have it determined by the Planning Committee for the following reasons: -
 - (i) In the opinion of the Parish Council making the request, it would comprise a departure from the policies of the Neighbourhood Plan (which has reached at least the Regulation 16 consultation stage) and they have set out which specific policies they consider are in conflict and why.

It will be for the Director or Planning Team Manager (with consultation of the MO) to decide in consultation with the Chairman of the Planning Committee, on the basis of the planning reasons given by the Parish Council or planning policies referred to, whether the application should be referred to the Planning Committee for determination.

- c) The application has been subject to a request by a Councillor, made during the formal 28 day consultation period and is supported by relevant planning policies and other material planning considerations that are directly relevant to the application being considered, to have it determined by the Planning Committee for one of the following reasons;
 - (i) The application is of major importance or significance to the District as a whole and therefore requires the input of Councillors in its determination

- (ii) There is, in the opinion of the Councillor making the request, a valid planning reason why the application should be determined by the Planning Committee and this is supported by relevant planning policy.

It will be for the Director or Planning Team Manager (with consultation of the Monitoring Officer if considered appropriate) to decide in consultation with the Chairman of the Planning Committee, on the basis of the planning reasons given by the Councillor or planning policies referred to, whether the application should be referred to the Planning Committee for determination.

- d) An application has been on deposit in the statutory register for a period of less than 28 days or the period allowed for consultation replies to be received has not expired, whichever is the later.
 - e) The applicant or agent is a Councillor.
 - f) The applicant or agent is from the immediate family of a Councillor.
 - g) The applicant or agent is an officer of the Council.
 - h) The applicant or agent is from the immediate family of an officer of the Council.
 - i) The Director of Planning, Regeneration and Communities or Planning Team Manager (with consultation of the Monitoring Officer if considered appropriate) considers it appropriate that the application is determined by the Planning Committee.
 - j) Any application where the recommendation is for approval which is in conflict with a policy of the adopted Central Lincolnshire Local Plan or any Neighbourhood Plan.
2. To determine all other matters which are part of the development management process, including (but not exclusively):
- a) Approve details to discharge conditions attached to planning permissions.
 - b) To enter into negotiations and reach agreements concerning obligations, agreements and undertakings – including those to do with s106 of the Town and Country Planning Act 1990 and the Community Infrastructure Levy.
 - c) To approve the details of agreements and obligations made under the planning acts (including those made under s106 of the Town and Country Planning Act 1990).
 - d) To approve non-material amendments to planning permissions.
 - e) To determine those organisations and individuals who should be consulted on planning and other applications.

- f) To deal with planning appeals. (**Note:** -“Planning Appeals which involve a member overturn will be dealt with in accordance with the Member Overturn Policy agreed on 26 June 2013/14).
 - g) To decide the need for and content of environmental statements.
 - h) To decline to determine applications where a previous application has been dismissed at appeal and the new application is substantially the same.
 - i) All applications for ‘prior approval’ made under the provisions of the Town & Country Planning General Permitted Development Order 2015 (as amended).
- 3. To make Tree Preservation Orders and to confirm orders where no objection – relevant under current legislation – has been made.
 - 4. To determine all applications to lop, top or fell protected trees.
 - 5. To determine notices to make safe dangerous trees in private ownership and to take action to make the tree/s safe.
 - 6. To determine all applications for the removal of hedgerows in accordance with the Hedgerow Regulations 1997.
 - 7. To confirm any unopposed footpath orders following the expiration of the statutory consultation period.
 - 8. To determine all applications relating to certificates of lawful use or development and related applications [NB the provisions set out in paragraph 1 points d to g with regard to officer and member applications and family relationships also apply to this category of application].
 - 9. To make objections to the issuing of operators’ licences under the Transport Act 1968 and the Goods Vehicles (Operators Licences Qualifications and Fees) Regulations 1984.
 - 10. To respond to consultations from neighbouring Councils on planning applications which might have an impact on the District, unless in the opinion of the Director of Planning, Regeneration and Communities or Planning Team Manager (with consultation of the Monitoring Officer if considered appropriate) that impact is of wider significance or of major importance to West Lindsey, under the duty to Co-operate.
 - 11. To respond to consultations on proposals for major infrastructure developments within or having an impact upon the District, unless in the opinion of the Director of Planning, Regeneration and Communities or Planning Team Manager (with consultation of the Monitoring Officer if considered appropriate) or senior officer that impact is of wider significance or of major importance to West Lindsey, under the duty to Co-operate.

12. To respond to consultations on pipeline consents within the District, unless in the opinion of the Director of Planning, Regeneration and Communities or Planning Team Manager (with consultation of the Monitoring Officer if considered appropriate) that impact is of wider significance or of major importance to West Lindsey, under the duty to Co-operate.
13. To respond to consultations on county matters or county developments, unless in the opinion of the Director of Planning, Regeneration and Communities or Planning Team Manager (with consultation of the Monitoring Officer if considered appropriate) that impact is of wider significance or of major importance to West Lindsey, under the duty to Co-operate.
14. To draw up service level agreements (SLAs) with other organisations for the effective delivery of services related to regeneration which includes, but is not limited to, economic development, tourism and skills and employment.
15. To enter into partnerships that increase the benefit, services and influence available to West Lindsey District Council with other organisations related to regeneration, which includes, but is not limited to, economic development, tourism and skills and employment.
16. To accept the Examiner's report and approve that a neighbourhood plan may advance to Public Referendum following a successful independent examination in accordance with the Localism Act 2011 and the Neighbourhood Plan Regulations 2012.
17. To enter into Agreements relating to the adoption of sewers.