

**AMENDMENTS TO CONSTITUTION – PLANNING COMMITTEE**

Committee: Council

Date: 16 November 2016

Author: Planning Manager

[R119]

1.0 ISSUE

1.1 To consider amendments to Part 3, Section C Regulatory Committees (ii) Planning Committee of East Cambridgeshire District Council Constitution.

2.0 RECOMMENDATION(S)

2.1 Members are requested to approve the proposed amendments to the above specified section of the Constitution to include outline or full applications for over 50 dwellings and outline or full applications for major employment uses (major is defined as where the floor space created is 1,000 square metres or more).

3.0 BACKGROUND/OPTIONS

3.1 The Constitution removes the delegation to Officers of Section 70 and 72 of the Town and Country Planning Act 1990, which relate to large scale renewable energy development, as specified within the Constitution. The determination of all other applications is delegated to Officers subject to a Member's right to request that a planning decision is made by the Planning Committee, prior to the issuing of a decision notice.

4.0 ARGUMENTS/CONCLUSIONS

4.1 The Planning Manager has reviewed the determination of applications which are delegated to Officers to ensure that the appropriate major applications in relation to both employment and residential are debated in the wider public and determined by Planning Committee.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 There are no additional financial implications arising from this report.

5.2 Equality Impact Assessment (INRA) not required.

6.0 APPENDICES

6.1 Appendix 1 – Proposed Amendments

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**Background Documents**

East Cambridgeshire  
District Council Constitution

**Location**

Room No. 011  
The Grange,  
Ely

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**Amendments to Planning Committee section of the Constitution – Part 3, Section C Regulatory Committees (ii) Planning Committee (p3(47))**

**Amendments are shown in bold italic and underlined**

5.3 The delegation of Sections 70 and 72 of the Town and Country Planning Act 1990 applications is subject to a Member's right to request that a **non-householder** development planning decision, is made by the Planning Committee, PROVIDING this request:

- 5.3.1 is within the period up to the issuing of the decision notice;
- 5.3.2 sets out the reasons; and
- 5.3.3 is in writing.

The Member may, prior to the publication of the agenda, withdraw the request.

**5.4 The delegations of Section 70 and 72 of the Town and Country Planning Act 1990 applications does not apply to any non-householder planning applications which are defined as follows:**

- **Outline or full applications for over 50 dwellings**
- **Outline or full applications for major employment uses (major is defined as where the floor space created is 1,000 square metres or more)**

**5.5** The delegations of Section 70 and 72 of the Town and Country Planning Act 1990 applications does not apply to any non-householder planning applications which relate to large scale renewable energy development. Planning applications for large scale renewable energy development are defined as follows:

proposals for one or more wind turbines which are not located on domestic or commercial buildings;

proposals for photovoltaic cells not located on domestic or commercial buildings over 200 metres squared;

all proposals which require the combustion of biomass to generate electricity;

all proposal which involve anaerobic digestion to generate heat, electricity or a combination of the two.

**5.6** A Member may make a request that a **householder** development planning decision is made by the Planning Committee PROVIDING this request:

- 5.4.1 is within the period up to the issuing of the decision notice;
- 5.4.2 sets out the reasons; and
- 5.4.3 is in writing.

The Member may, prior to the publication of the agenda, withdraw the request.

**5.7 In the event that a new application is submitted for a site on which there is a previous determination by Planning Committee (whether grant or refusal), the case officer will consult the Chairman or Vice-Chairman of Planning Committee to establish if the application shall be taken to Planning Committee for determination.**

**5.8** In the event of amendments to the draft and published agenda of the Planning Committee the case officer is obliged to consult with the Chairman **or Vice Chairman** of Planning Committee and in the event of a disagreement with the proposed action the matter shall be referred to the Chief Executive for final decision in consultation with the Leader of the Council.

Subject to 5.3, **5.4, 5.5, 5.6 and 5.7** above, the following powers/or functions set out below under the Listed Acts (or amend, modification or re-enactment or those Acts, or Regulations/Orders made under those Acts) are delegated to the officers listed below.