

Law and Governance
Town Hall, Upper Street, London N1 2UD

Report of: Director of Law and Governance

Meeting of: Planning Committee

Date: 22 May 2023

Ward(s): N/A

Subject: APPOINTMENT OF PLANNING SUB-COMMITTEES

1. Synopsis

- 1.1. The purpose of this report is to appoint the Planning Sub-Committees and note its terms of reference.

2. Recommendations

- 2.1. To confirm the size of the sub-committees and note their terms of reference in Appendix B.
- 2.2. To determine the allocation of seats on the sub-committees in accordance with the advice set out in this report.
- 2.3. To appoint members and substitute members of the Planning Committee to serve on each of the Planning Sub-Committees until their successors are appointed.
- 2.4. To appoint members and substitute members of the Planning Committee as substitute members of the Planning Sub-Committees to which they have not been appointed.
- 2.5. To appoint members of the Planning Committee as chairs of the Planning Sub-Committees until their successors are appointed.
- 2.6. To appoint members of the Planning Committee as vice chairs of the Planning Sub-Committees until their successors are appointed.

3.1 Background

The Council is required to allocate committee places to political groups according to the "political balance rules" under the Local Government and Housing Act 1989. These are designed to ensure that the political composition of the Council's decision making and deliberative committees as far as possible replicates the political composition of the full Council.

- 3.2 The current membership of the authority is 47 Labour Group members, 3 Green Group members and 1 independent. Political balance arrangements and the membership of the Council's committees was determined at the Annual Council meeting on 11 May 2023.
- 3.3 The Planning Committee is required to make arrangements for the determination of planning applications under the terms of the constitution of the London Borough of Islington and is asked to appoint two Planning Sub-Committees. It is recommended that the Planning Committee appoints remaining members and substitute members of the Planning Committee as substitute members on the Planning Sub-Committees. The quorum of the Planning Sub-Committees is three Councillors.
- 3.4 The terms of reference for the Sub-Committee are set out in Appendix B. The terms of reference of this Committee are set out in Appendix A.

4. Implications

4.1. Financial implications

The costs associated with Planning Committees are met through the council's budget.

4.2. Legal Implications

These are set out in the body of the report.

4.3. Environmental Implications and contribution to achieving a net zero carbon Islington by 2030:

There are no environmental implications directly associated with the recommendations.

4.4. Equalities Impact Assessment

- 4.4.1. The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.
- 4.4.2. An Equalities Impact Assessment is not required in relation to this report.

5. Conclusion and reasons for recommendations

The Committee should approve this report in order for the Planning Sub-Committees to be properly constituted.

Background papers: None

Appendices: Appendix A – Planning Committee Terms of Reference
Appendix B – Planning Sub-Committees Terms of Reference

Final Report Clearance

Signed by Marie Rosenthal

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12 May 2023

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Director of Law and Governance

Date

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PLANNING COMMITTEE

Quorum

The quorum shall be three members.

Terms of Reference

1. To determine any application for planning permission, consent or approval recommended for approval in respect of all major* developments other than an application under section 73 of the Town and Country Planning Act 1990 covered by paragraph 6.
2. To determine any other applications for planning permission, consent or approval falling within the terms of reference of the Planning Sub-Committees which the Planning Committee has specifically indicated it wishes to consider itself.
3. To determine any other application for planning permission, consent or approval referred to it by a planning sub-committee or the Service Director, Development and Planning/Head of Service, Development Management.
4. To determine any other application for planning permission, consent or approval recommended for approval (including any falling within the terms of reference of the Planning Sub-Committees), which the Chair or at least two members of the Council have requested by notice to the Service Director, Development and Planning/Head of Service, Development Management (setting out reasonable planning grounds for the request) be considered by a Planning Committee.
5. To make traffic management and stopping-up orders which are consequent upon the grant of planning permission by the committee.
6. A Section 73 application need not be referred to the committee where the Service Director Development and Planning/Head of Service Development Management, following consultation with the Chair (or in the Chair's absence, the Vice-Chair) considers:
 - i) a condition can be imposed, varied or removed in respect of the permission as a result of which it would not be fundamentally different from or a substantial alteration to the permission which has been previously approved by the Council in relation to the same site;
 - ii) the application relates to minor material amendment(s) and the amended permission will not be substantially different from the permission which has been previously approved by the Council in relation to the same site.

*As defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010 namely development involving any one or more of the following—

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwelling houses where:
 - (i) the number of dwelling houses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more

PLANNING SUB-COMMITTEES

Quorum

The quorum shall be three members.

Terms of Reference

To determine the following matters, unless they are made under section 73 of the Town and Country Planning Act 1990 (and paragraph 14 applies) or are in respect of major developments as defined in the terms of reference of the Planning Committee and are not covered by paragraph 12:

1. Applications recommended for approval which involve the creation of 5 - 9 residential units or 250 - 999sq.m of new office floor space, where relevant planning objections have been received by the proper officer;
2. Applications which are recommended for approval but which do not conform to the Local Development Framework;
3. Applications which involve a legal agreement unless:
 - (i) The heads of terms relate only to securing affordable housing and/or affordable workspace and/or CO2 off-setting in line with planning policy and/or securing highway works in relation to the application site; or
 - (ii) The terms of the agreement are not materially different from any previous agreement approved by the sub-committee in relation to the same site;
4. Alterations: to Grade I or Grade II* listed buildings, (except matters which in the opinion of the Service Director, Development and Planning/Head of Service, Development Management are minor); which involve substantial demolition of a Grade II listed building; where the Council has a difference of opinion with English Heritage;
5. Applications where the Council has an interest (except for matters which in the opinion of the Service Director, Development and Planning/Head of Service, Development Management are minor);
6. Applications submitted by or on behalf of a Member of the Council (or their spouse or partner), or any Council employee (or their spouse or partner);
7. Decisions which are likely to result in a claim for compensation or the service of a purchase notice;

8. Applications which, in the opinion of the Service Director, Development and Planning /Head of Service, Development Management, should be considered by the appropriate sub-committee;
9. Applications which are recommended for approval where an objection to the current proposal has been received which is based on planning grounds (other than those applications where, in the opinion of the Service Director, Development and Planning/Head of Service, Development Management (in consultation with the Chair of the Planning Committee), the objection can be overcome by imposition of an appropriate condition, or where the application clearly complies with the relevant planning policies in which case the decision may be taken by officers) unless the objection relates to an application made under the procedure for prior approval under part 24 of the General Permitted Development Order;
10. The designation or alteration of conservation areas and making of directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995;
11. Traffic management and stopping-up orders which are consequent upon the grant of planning permission by the sub-committee;
12. To determine any applications for planning permission, consent or approval falling within the terms of reference of the Planning Committee which the Planning Committee has specifically indicated it wishes a sub-committee to consider;
13. To determine any other application for planning permission, consent or approval, other than in respect of a major development, which the Chair or at least two members of the Council have requested by notice to the Service Director, Development and Planning/Head of Service, Development Management (setting out reasonable planning grounds for the request) be considered by a Planning Sub-Committee;
14. A Section 73 application need not be referred to the committee where:
 - (a) the Service Director Development and Planning/Head of Service Development Management would not recommend it for approval; or
 - (b) the Service Director Development and Planning/Head of Service Development Management, following consultation with the Chair (or in the Chair's absence, the vice-Chair) considers:
 - i) a condition can be imposed, varied or removed in respect of the permission as a result of which it would not be fundamentally different from or a substantial alteration to the permission which has been previously approved by the Council in relation to the same site;
 - ii) the application relates to minor material amendment(s) and the amended permission will not be substantially different from the permission which has been previously approved by the Council in relation to the same site.