

3. Development and Planning Applications Committee

a) Membership: 10 Members (10 seats plus 1 Independent non-voting co-opted member to be appointed by the Planning Committee)

b) Functions:

- (i) To hear and determine all applications received under the Town and Country Planning Acts, including heads of terms of any ancillary agreements;
- (ii) To hear and determine objections to new Tree Preservation Orders;
- (iii) To exercise the Council's functions in relation to planning control and building control;
- (iv) To consider the implications of changes in legislation and powers relating to control over development and building control, and related enforcement matters;
- (v) To develop an annual work programme, set targets and a review mechanism through the year;
- (vi) To ensure all the work of the committee promotes the Council's commitment to equality of opportunity for councillors, staff and the local community;
- (vii) To ensure the work of the committee meets the needs and aspirations of the local community and is responsive to the wishes of the community at large;
- (viii) To arrange for the discharge of any of its functions by the Director of Housing and Sustainable Development

c) All matters relating to the exercise of this committee's functions set out above are delegated to the Director of Housing and Sustainable Development in consultation with the Chair of Development and Planning applications Committee except the following which are reserved to Committee:

- (i) Where a written request is received to the Chair on planning grounds from a Council Member that*:
 - 1. a particular application should be determined by Committee;
 - 2. an approved application's conditions are not being followed and therefore should not be discharged;

- (ii) Where in the view of the Head of Development Management and Building Control material objections have been received which cannot be overcome by conditions but where the application is considered to be in accordance with the Development Plan and so recommended for approval (minor developments or changes of use may be excluded from this exception);
- (iii) Where the proposal is significantly contrary to the Development Plan Policy, unless recommended for refusal;
- (iv) Proposals which are subject to a Section 106 agreement that would contain any heads of terms or contributions that are not a standard requirement of the Development Plan or (for proposals where a standard requirement has been subject to modification through negotiation or otherwise) depart significantly from the standard requirement of the Development Plan; or applications for release or significant modification/variation from such obligations;
- (v) Where conflict arises between the officer's recommendation and the advice issued by Historic England, the Environment Agency or other body with similar statutory status;
- (vi) Determinations in cases where an appeal has been lodged against non-determination which is subject to or may go to a Public Inquiry or Informal Hearing;
- (vii) Revocation/ modification of planning permission and discontinuance orders;
- (viii) Where the Council may be involved in compensation or service of a purchase notice (except in relation to stop notices):
- (ix) Where proposals accord with the Development Plan but are recommended for refusal;
- (x) Where the proposal involves the council as an applicant or landowner. This includes all residential and commercial schemes and their amendments but excludes minor works e.g. fence painting, gate moving, boundary wall fixing, drain digging, school window replacing etc.)

- (xi) Where enforcement action will follow on from a refusal of planning permission;
- (xii) Where an Environmental Impact Assessment has been provided or requested;
- (xiii) Where the applicant is a Councillor or a Council officer or their partner**or child living with them; or the application relates to land owned by one of those people;
- (xiv) Where officers consider the application should be determined by the Committee*;
- (xv) Where the application relates to major hazardous substances;

d) Advisory Functions

To advise on the Council's responsibilities contained in the Local Government Act 2000 and Planning and Compulsory Purchase Act 2004 (as amended) with respect to the Merton Local Plan and specifically:

- (i) to make recommendations as appropriate to the Cabinet and Council on matters relating to the Council's planning policy and guidance, Statement of Community Involvement, Development Plan Documents, Supplementary Planning Documents, Neighbourhood Plans] Local Development Orders; Conservation Area appraisals;
- (ii) To consider and advise the Cabinet and Council on the Inspector's report conducting the Independent Examination of Development Plan Documents of Merton's Local Plan;
- (iii) To advise the Cabinet and Council on the preparation of Development Plans, including those prepared with other Local Planning Authorities, e.g. Joint Waste Development Plan Document ;
- (iv) To advise the Cabinet and Council on other Strategic/London-wide spatial planning and transport planning matters;
- (v) To consider the need for information, research, studies and investigations further to the preparation of the Merton Local Plan and to advise the Council on the resources required to prepare and review the Merton Development Plan;
- (vi) To consider new and emerging legislation and resident or commercial need relevant to the preparation and review of the Merton Development Plan;

(vii) To consider and advise Cabinet and Council on buildings and structures to be included in the Local List, considering officer recommendations and consultation feedback.

* The Chair of the Committee will develop a protocol for dealing with requests by councillors and officers for matters to be referred to committee in order to ensure the efficient use of the committee's time.

** For these purposes "partner" means spouse, civil partner or person living with someone as though they were their spouse or civil partner.