

PLANNING AND DEVELOPMENT COMMITTEE

Date:	Thursday 10th September, 2026
Time:	1.30 pm
Venue:	Mandela Room

AGENDA

1. **Welcome, Fire Evacuation and Recording of Meetings**

In the event the fire alarm sounds for more than 10 seconds attendees will be advised to evacuate the building via the nearest fire exit and assemble at the Bottle of Notes opposite MIMA.

Members of the public have the right to film, record or photograph public meetings. If you intend to do so, please advise the Chair of this intention. You may be asked to stop filming, photographing or recording a meeting if the Chair feels that the activity is disrupting the meeting.

2. **Apologies for Absence**

To receive any apologies for absence.

3. **Declarations of Interest**

Members are asked to declare any interests in the items under consideration and in doing so state:

(1) the type of interest concerned:

- *Disclosable Pecuniary Interest (DPI) or*
- *Non-Pecuniary Interest (including personal or prejudicial interest)*

(2) the nature of the interest concerned.

If any member requires advice on declarations of interests, they are advised to contact the Monitoring Officer in advance of the meeting.

4. **Minutes - Planning and Development Committee - 2 July 2026** 5 - 12
To receive the minutes of the previous meeting.
5. **Forthcoming National Scheme of Delegation for Planning Committees - Presentation** 13 - 20
To note the information provided.
6. **Planning Appeal Outcomes - Presentation**
To note the information provided
7. **Any other urgent items which in the opinion of the Chair, may be considered.**

Charlotte Benjamin
Corporate Director of Legal and Corporate Services

Town Hall
Middlesbrough
Wednesday 2 September 2026

MEMBERSHIP

Councillors J Thompson (Chair), J Rostron (Vice-Chair), I Blades, D Branson, D Coupe, I Morrish, J Ryles, G Wilson, J McTigue and J Rush

Assistance in accessing information

The documents referred to on this agenda may be downloaded from the Council's Website: [Committee structure | Middlesbrough Council](#)

Should you have any queries on accessing the Agenda and associated information, such as alternative formats, please contact Joanne McNally, 01642 728329, Joanne_McNally@middlesbrough.gov.uk

INFORMATION ABOUT MIDDLESBROUGH COMMITTEE MEETINGS

Venue Accessibility

All Committee Rooms are located on the first floor of Municipal Buildings (Town Hall). There is restricted disabled access to the first floor via a lift.

There is no on-site parking at Municipal Buildings. A map of town centre parking is attached below. A full map of town centre parking can be found on the Council's website: [Middlesbrough town centre parking plan - October 2025](#)



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This document was classified as: OFFICIAL

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on Thursday 2 July 2026.

PRESENT: Councillors J Thompson (Chair), J Rostron (Vice-Chair), I Blades, D Branson, D Coupe, I Morrish, J Ryles, G Wilson, J McTigue and J Rush

ALSO IN ATTENDANCE: R Jameson, J Elder, M James and S Royal

OFFICERS: A Glossop, J McNally, S Thompson, P Wilson, K Allan and Burnham

26/1 **WELCOME, FIRE EVACUATION AND RECORDING OF MEETINGS**

The Chair welcomed everyone to the meeting and advised that normal rules of procedure applied and whilst Members of the public may be in attendance they would not be able to actively participate or comment on proceedings.

Introductions were made and the Fire Evacuation Procedure explained.

26/2 **DECLARATIONS OF INTEREST**

Councillor Name	Type of Declaration	Agenda Item
Councillor Ian Morrish	Non-Pecuniary	Agenda Item 6, Trustee of Nunthorpe & Marton Playing Fields Association
Councillor Joanne Rush	Non-Pecuniary	Agenda Item 6, Member of Nunthorpe & Marton Playing Fields Association and Chair of Nunthorpe Parish Council
Councillor Julia Rostron	Non-Pecuniary	Agenda Item 5, Ward Councillor of bordering Ward

26/3 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 9 APRIL 2026**

The minutes of the Planning & Development Committee meeting held on 9 April 2026 were submitted and approved as a correct record.

26/4 **SCHEDULE OF REMAINING PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE**

The Development Control Manager presented the application, which had been deferred at the Planning and Development Committee meeting held on 9 April 2026 to allow further consideration of highway matters, alternative junction arrangements and additional engagement with local residents.

Members were advised that an update report had been circulated at the meeting setting out additional representations received since publication of the main report. The update report confirmed that one Ward Councillor had withdrawn their previous objection and adopted a neutral position following discussions regarding the proposed highway arrangements and enhancements to the Section 106 package. The update report also detailed a further objection from a Ward Councillor, additional comments from a local resident regarding delivery arrangements, eight new letters of support and thirteen representations reaffirming support for the development.

Members were also advised that the update report confirmed that a planning condition was proposed to restrict deliveries to between 8.00am and 10.00pm, with any breach being subject to enforcement action by the Local Planning Authority, and that officers remained of the view

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that the application should be approved subject to conditions and completion of a Section 106 Agreement.

Members discussed the application in detail, with particular reference to the proposed closure of Thackeray Grove and the potential impact on surrounding residential streets.

Members were advised that a number of alternative highway arrangements had been considered, including retaining the existing junction layout, mini-roundabouts, closure of The Prospect, one-way traffic arrangements and left-in/left-out access restrictions. It was explained that these options were not considered capable of adequately addressing the existing highway safety concerns or supporting improved pedestrian and cycle movements.

Members were informed that the Highway Authority remained satisfied that the proposed three-arm signalised junction, together with the closure of Thackeray Grove, represented the safest and most effective solution. The Committee noted that both the applicant's highways consultants and the Planning Inspector who considered the previous appeal had concluded that improvements to the junction were necessary.

Discussion took place regarding the proposed Section 106 Agreement, including funding for the monitoring of traffic movements and the introduction of additional highways measures which evidenced that traffic displacement was occurring on surrounding streets. Members were advised that the Section 106 Agreement had been enhanced to include funding for a potential point closure on Walton Avenue, a yellow box junction at Kingston Avenue/Green Lane and the extension of double yellow lines at Kingston Avenue, if required.

Members welcomed the improvements made to the design of the development compared with the previously refused scheme, including the revised siting of the building, additional landscaping and enhanced architectural detailing. Reference was also made to the benefits of redeveloping the vacant brownfield site, improving access to affordable food shopping and creating local employment opportunities.

The Chair invited comments and questions from the Committee.

In response to a Member querying how many representations in support of the application had been received, the Development Control Manager confirmed that 137 letters of support had been received from separate addresses.

A Member referred to the additional consultation responses and asked whether any objections had been received. The Officer advised that one Ward Councillor had withdrawn their objection and adopted a neutral position, eight additional letters of support and thirteen representations reaffirming support had been received, together with one further objection from a Ward Councillor.

Members queried whether Thackeray Grove was classified as a high-risk junction and whether its closure had previously been considered independently of the application. The Highway Officer advised that any highway improvement scheme outside of the planning process would be dependent upon the availability of funding and would be prioritised accordingly. He explained that the current proposal was linked to a development that would intensify activity at the site and therefore required mitigation of highway impacts.

Comments were made that whilst traffic levels on Green Lane could be heavy, they were not comparable to some of the Authorities busiest roads.

In response to a Member querying whether the existing junction met modern highway standards, The Highway Officer advised that the Highway Technical Statement confirmed that an offset crossroads arrangement of this nature would not be designed as part of a modern highway layout. He further noted that the previous Planning Inspector had considered the junction arrangements that had been presented as part of the appeal scheme and that it had not been the Inspector's role to devise alternative solutions.

Members referred to comments regarding increased traffic associated with the development and asked whether similar highway improvements would have been required had the site come forward for residential development. The Officer advised that any development proposal for the site would have triggered a review of the junction arrangement. He explained that highway

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assessments were required to consider all vehicle movements as well as active travel requirements.

Members expressed the view that insufficient consideration had been given to the concerns of nearby residents and commented that, whilst the technical justification was understood, the proposals could have a significant impact on the surrounding residential area.

A Member referred to other junctions within the borough and questioned whether alternative solutions could have been implemented without the closure of Thackeray Grove. The Highway Officer advised that direct comparisons with other locations were difficult due to differing site characteristics. He explained that other junctions benefitted from additional highway land and turning space which were not available at Thackeray Grove. He further advised that modelling had demonstrated that the proposed three-arm junction would perform more effectively than a four-arm arrangement and would provide greater benefits for active travel.

A Member asked what evidence existed to demonstrate that the closure of Thackeray Grove would not result in unacceptable impacts on surrounding streets. The Highway Officer advised that the Section 106 Agreement would secure funding for monitoring and mitigation measures and that the closure would remove through traffic from the junction.

A Member sought confirmation that £28,000 had been allocated to fund potential mitigation measures. The Highway Officer confirmed that this was the case and advised that the funding was considered sufficient.

A Member sought clarification regarding the additional highway mitigation measures and whether they would be delivered as part of the development. The Officer advised that the three-arm junction, associated highway works, the closure of Thackeray Grove and the proposed box junction would be secured through a Section 278 Agreement and delivered by the developer in accordance with the Highway Authorities standards. He further advised that any extension to double yellow lines would be funded through the Section 106 Agreement and would be subject to consultation with local residents and Members.

The Chair invited residents to speak in objection to the application. The residents made the following points:

- It was stated that residents had attended a meeting with officers and highways representatives. The resident felt that proposals for yellow lines and a box junction had been presented as decisions rather than options and were not accepted by residents as mitigation for the proposed closure of Thackeray Grove.
- It was stated that Lidl had proposed a point closure which would only be implemented after the closure of Thackeray Grove. The resident expressed concern that no clear indication had been provided regarding the level of traffic problems that would trigger such a measure.
- Concern was raised regarding the proposed allocation of £28,000 towards traffic management measures. The resident contended that this could result in further road closures if traffic issues arose and expressed concern about potential queuing on Tollesby Road.
- The resident stated that correspondence and concerns submitted by local residents, including communications sent to Ward Councillors, had not been adequately addressed.
- It was stated that the area had a relatively low accident record, and the resident noted that this differed from comments suggesting the location posed a high risk.
- The resident referred to the Inspector's findings and stated that the development would contribute only a modest increase in traffic. The resident contended that signalisation of the Green Lane/Thackeray Grove junction had been identified as a preferable solution and that closure of Thackeray Grove had not been recommended.
- The resident suggested that the Lidl store could proceed with the installation of traffic signals while retaining access via Thackeray Grove.
- Concern was expressed regarding the potential impact of the development on nearby residents, including increased traffic, noise from servicing equipment and general disturbance.
- The resident stated that, in their experience, Lidl stores could generate significant traffic problems, even in locations with larger road networks and infrastructure. Concern was also expressed that delivery timescales and commitments made by Lidl were not always adhered to.

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- It was argued that the proposal was inappropriate within a residential conservation area and that the site was not located within an established shopping precinct.
- The resident highlighted the predominantly residential character of the surrounding area, including Green Lane, St Mary's Walk and Church Lane.

*** At this point the meeting was adjourned for 5 minutes*

The meeting reconvened after 5 minutes, and the Chair invited the Ward Councillor to speak in objection to the application and raised the following points:

- They remained opposed to the proposed closure of Thackeray Grove and were not persuaded that the closure was necessary or represented the most appropriate solution for local residents
- Concerns were raised regarding the proposed yellow box junction at the intersection of Kingston Avenue and Green Lane. Whilst acknowledging that some form of traffic management may be required, they expressed the view that the proposal had not been fully evidenced and could create additional issues for residents and road users.
- The Ward Councillor referred to being a resident of Green Lane and highlighted the significant volume of traffic using the route, particularly during peak school travel times. The Ward Councillor stressed that the route was of importance as an access route to access local facilities and for emergency vehicles travelling to and from hospital.
- Concerns were expressed regarding the wider Green Lane Active Travel proposals. The Ward Councillor considered it important that the cumulative impacts of the Active Travel scheme, the Lidl development and proposed closure of Thackeray Grove were accessed collectively rather than in isolation.
- Whilst welcoming the regeneration of the former college site and its return to productive use, the Ward Councillor stated that they remained unconvinced that the proposed highway changes represented the most appropriate solution and therefore had reservations regarding the closure of Thackeray Grove and the associated traffic management measures.

The Chair invited questions and comments from the Committee.

A Member questioned whether the application site fell within a conservation area. The Planning Officer confirmed that the site was located outside of the conservation area.

A Member queried whether any traffic management had been introduced in connection with the nearby mosque development. It was advised that no specific arrangements had been implemented. Members heard that the mosque had been open for approximately 12 months and that discussions were continuing with the Ward Councillor regarding traffic-related matters. A second Ward Councillor was invited to speak in objection to the application, and the following concerns were raised:

- The Committee had heard differing views regarding noise impacts. The Ward Councillor advised that observations had been undertaken at the Lidl store in Stockton, including during delivery periods, and the level of disturbance suggested by objectors had been witnessed.
- Concerns were also raised regarding potential noise from refrigeration equipment and the impact of lighting on nearby residential properties.
- Concerns were expressed against the proposed height of the building and its proximity to neighbouring boundary fences. It was also suggested that the proposed tree planting could further reduce light levels in an area that was already perceived to have limited natural light.
- The Ward Councillor stated that consultation with local residents had been insufficient they referred to a meeting attended by a small number of residents and Councillor Henman and expressed the view that wider consultation had not taken place, with some residents only becoming aware of the application through the Council's website.
- Whilst acknowledging that Lidl was a good employer, the Ward Councillor expressed the view that the application represented development on the wrong site. Concerns were raised regarding pedestrian safety, particularly children, vehicle movements and the impact of the proposed closure of Thackeray Grove.

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- The Ward Councillor raised active and sustainable travel within the application and questioned in reality how many people would access the store by bicycle,
- The Ward Councillor stated that the proposed development was not in the most appropriate location and could create difficulties for residents accessing their properties from Roman Road. Whilst acknowledging that junction improvements were necessary, she expressed the view that insufficient evidence had been presented as to why a four-arm signalised junction would not be a suitable alternative.

The Chair invited comments and questions from the Committee.

A Member queried the width of the proposed access and egress arrangements for heavy goods vehicles. It was confirmed that the access measured approximately 21 metres narrowing to 7.5 metres.

A Member acknowledged that a number of previously identified issues had been addressed but expressed the view that the siting of the building remained a concern. It was stated that, whilst the building had been moved slightly forward, its location remained broadly unchanged. Questions were raised over the buildings height on neighbouring properties and potential overshadowing.

Concerns remained regarding the perceived loss of light to neighbouring properties and it was advised that neighbouring gardens did not benefit from street lighting. Concerns were also raised over the long-term impact of the proposed landscaping.

A Member asked if the Ward Councillor whether they considered a Lidl store to be appropriate in the area. The Ward Councillor supported the principle of a Lidl store but considered the proposed site to be inappropriate due to its residential surroundings.

A Member sought clarification regarding the replacement of trees that had been removed. The Ward Councillor advised that it was their understanding that replacement planting would be required in accordance with relevant forestry requirements and would need to be of a level of certain maturity.

The Planning Agent for Lidl addressed the Committee in support of the application and highlighted the following points:

- Discussions had taken place with Planning and Highways Officers regarding a range of alternative options. Thanks were expressed to Councillor Henman and local residents engaging proactively throughout the process
- Lidl had agreed to a number of additional mitigation measures
- The existing junction was unsafe and concerns regarding its operation had also been identified by the Planning Inspector
- Lidl's highways consultants would not have designed or been able to secure approval for, the existing junction arrangement and that the proposed scheme would improve highway safety
- The proposed signalised junction was considered to provide significant safety improvements and enhanced traffic management
- A four-arm junction had been assessed and would have retained access via Thackeray Grove; however, traffic modelling had demonstrated that it would operate significantly above capacity
- The four-arm junction could not accommodate a dedicated right-turn lane into Thackeray Grove
- The closure of Thackeray Grove had been considered previously but had raised concerns about rat-running in the local area
- A four-arm junction arrangement would result in queuing traffic on Thackeray Grove
- The proposed three-arm junction would enable the junction to operate within its capacity
- Reference was made to comparison tables which demonstrated that queuing on all arms of the junction would be significantly reduced under the proposed arrangement
- Lidl had committed to funding the proposed box junction and point closure measures
- A park and stride initiative would encourage customers to use designated parking areas and reduce parking pressures on neighbouring streets
- Lidl generated traffic would have little impact during the morning peak periods, with the busiest trading periods expected during late afternoons and weekends

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- The proposal supported active travel objectives and sought to reduce reliance on private car use
- It was reiterated that the proposed three-arm junction represented the safest and most efficient solution
- It was advised that the store would typically receive one and two deliveries per day restricted to daytime hours
- The Lidl store in Stockton operated under unrestricted delivery hours, which differed from the arrangements proposed for this store

The Chair invited comments and questions from the Committee.

A Member referred to concerns regarding noise and delivery arrangements and sought confirmation that deliveries would be restricted to the hours set out within the officer's report. The Planning Agent confirmed this was correct.

In response to a query regarding which Lidl store had been referred to in the discussion it was confirmed that it was Lidl on Yarm Lane in Stockton.

A Member sought reassurance regarding the replacement tree planting and whether the replacement trees would be of a suitable height. The Planning Agent advised he could not comment on the precise form of the trees but stated that significant work had been undertaken in developing the landscaping scheme and that the proposal included increased greenery around the carpark.

The Development Control Manager read an extract from the Planning Inspector's decision relating to the design of the Thackeray Grove junction. It was advised that the Inspector had stated that, had the development been acceptable in all other respects, the proposed junction works would have represented a necessary measure to reduce conflict between vehicles and improve traffic conditions, in accordance with Policies CS18 and CS19. The Development Control Manager further clarified that the Inspector's comments referred to the signalisation of the junction.

In response to a Member querying whether the Planning Inspector was independent, it was confirmed that they were a Government-appointed Planning Inspector and was entirely independent from the Local Authorities decision making.

A Member asked what sanctions would be available to the Council if deliveries took place outside the hours agreed within the planning permission and it was confirmed by the Development Control Manager that all planning conditions imposed on a permission were enforceable and that should a breach occur, the Council could serve a Breach of Condition Notice and noted that there was no right of appeal against such a notice.

A query was also raised querying whether Highways Officers had considered introducing a one-way system on Thackeray Grove, together with restrictions on right-turn movements from Roman Road. The Highway Officer confirmed that this option had been considered. However, he advised that a junction would still be required on Emerson Avenue to regulate vehicle movements and that the associated infrastructure requirements had formed part of the assessment of the option.

It was observed that over 1,100 people had been consulted on the application and that only a small proportion had responded.

Members noted that the application had been considered by the Committee on three occasions and acknowledged the strength of local feeling regarding the proposal. They commented that the scheme before Members differed significantly from the original submission, with amendments including a remodelled car park, additional work undertaken by Lidl, and engagement with local residents and the Highways Authority. Members expressed the view that there were insufficient planning grounds upon which to refuse the application and suggested that any refusal could be overturned by the Planning Inspectorate on appeal. They further noted that more representations had been received in support of the application than in objection.

In response to a query from a Member on whether people commenting to planning applications could be prevented from doing so if they did not reside within the affected area. It was confirmed

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that there was no such restriction and that individuals were entitled to participate regardless of their place of residence.

Following debate, Members were satisfied that the application had addressed the principal concerns identified within the previous appeal decision and that the proposed development complied with the relevant planning policies, subject to the recommended conditions and completion of the Section 106 Agreement.

ORDERED that the application be **Approved with Conditions**, subject to the completion of the Section 106 Agreement.

*** At this point Councillor Rush left the meeting*

26/5

DECISIONS MADE UNDER DELEGATED POWERS

The Development Control Manager submitted details of planning applications which had been approved to date in accordance with the delegated authority granted to him at Minute 187 (29 September 1992).

Agreed as follows:

- **Members noted the information presented**

26/6

WEEKLY UPDATE LIST - APPLICATIONS RECEIVED

The Development Control Manager submitted details of new planning applications that had been received on a weekly basis over the past month. The purpose of this was to provide Members with the opportunity of viewing current live applications, which had yet to be considered by officers.

Agreed as follows:

- **Members noted the information provided**

26/7

ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.

None

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Consultation outcome

Planning Committees and the National Scheme of Delegation of Planning Functions: Draft guidance for local planning authorities in England

Updated 1 June 2026

This was published under the 2024 to 2026 Starmer Labour government

Applies to England

Contents

1. [Introduction](#)
2. [National Scheme of Delegation of Planning Functions](#)
3. [Size of committees](#)

Print this page

Following the conclusion of the consultation we have published the [statutory guidance](#).

Introduction

1. This guidance supports local planning authorities in England in implementing the provisions in sections 319ZZC - 319ZZF of the Town and Country Planning Act 1990 (introduced through section 54 of the Planning and Infrastructure Act 2025) and The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (the 2026 Regulations). These sections relate to the national scheme of delegation of planning functions and the size of planning committees.

2. Sections 319ZZC – 319ZZE of the Town and Country Planning Act 1990 apply to all local planning authorities except development corporations, Homes and Communities Agency, National Park Authorities and the Broads Authority. They also apply to mineral planning authorities where they exist (excluding those which are National Park Authorities).

3. As required by section 319ZZE(4) and (5) of the Town and Country Planning Act 1990, local planning authorities must have regard to this guidance in operating or making arrangements required under the 2026 Regulations.

National Scheme of Delegation of Planning Functions

4. The government's aim behind the national scheme of delegation is to ensure that there is greater clarity and consistency about the role of planning committees in planning decision making. Committees should focus on the key proposals that matter to an area, enabling other, often more minor and technical, decisions to be made by planning officers.

5. Section 319ZZC of the Town and Country Planning Act 1990 gives the Secretary of State the power to set out which functions of a local planning authority should be delegated to planning officers for a decision and which should instead go to a planning committee or sub-committee.

6. The Secretary of State has exercised this power through the 2026 Regulations. These regulations set out types of applications where decisions:

- must be delegated to officers in all cases (as set out in Schedule 1) and
- are presumed to be delegated to officers unless:
 - they meet at least one of the criteria in regulation 5(2) or
 - they are an application made by or on behalf of a local authority, a member or officer of that local authority or an entity owned or controlled (whether wholly or partly) by that authority or any of its members or officers (whether or not it is made jointly with another person) (regulation 6)
 - **and** the nominated officer and nominated member of the planning committee agree they should be referred to a planning committee or sub-committee for determination

7. Where a planning function is not listed in either Schedule 1 or 2, it is for the local planning authority to decide whether it should be delegated to an officer or referred to a committee or sub-committee for a decision (as part of its local constitution).

8. Under the national scheme of delegation, current practices set out in local authority constitutions, such as the power for ward councillors to require cases to be called in for committee consideration or having trigger points for referral to committee if a certain number of objections is reached, will not be possible. Local authorities will need to amend their constitutions to align with the national scheme of delegation.

Schedule 1 Functions

9. Schedule 1 of the Regulations sets out all the functions which must be delegated to officers in all cases. These include a number of categories of applications for planning permission for:

- householder development (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015)
- minor commercial development (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015)

- minor residential development (consisting of up to 9 new dwellings (flats or houses) on a site smaller than 0.5 hectares and other minor development in relation to flats)

10. It also contains a range of other planning consents:

- where it is not related to a phase of development in an outline planning permission, reserved matters approvals (applications under Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015)
- discharge of conditions (applications under Article 27(1) of Town and Country Planning (Development Management Procedure) (England) Order 2015)
- prior approval for permitted development rights (applications under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015)
- permission in principle (as referred to in section 58A of the Town and Country Planning Act 1990)
- where a local planning authority considers a planning obligation is connected to a Schedule 1 application, requests to agree to modify or discharge a planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990)
- where local planning authority considers a planning obligation is connected to a Schedule 1 application, modification or discharge of a planning obligation (applications under section 106A(3) of the Town and Country Planning Act 1990)
- non-material changes to planning permission or permission in principle (applications under section 96A(4) of the Town and Country Planning Act 1990)
- certificates of lawfulness of existing use or development (under section 191(1) of the Town and Country Planning Act 1990)
- certificates of lawfulness of proposed use or development (under section 192(2) of the Town and Country Planning Act 1990)
- biodiversity gain plan (duty to approve under paragraph 14 of Schedule 7A to the Town and Country Planning Act 1990)
- certificates of appropriate alternative development (applications under section 17 of the Land Compensation Act 1961)

11. However, the application will fall within Schedule 2 where:

- a local authority considers that a Schedule 1 application for planning permission is connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent
- an application would otherwise fall under Schedule 1 but is made under section 73A of the Town and Country Planning Act 1990
- an application would otherwise fall under Schedule 1 but is made by or on behalf of a local authority, a member or officer of that local authority or an entity owned or controlled (whether wholly or partly) by that authority or any of its members or officers

Schedule 2 Functions

12. The functions which fall within Schedule 2 of the Regulations are:

- applications for planning permission not listed in Schedule 1
- applications to develop land without compliance with conditions previously attached (under section 73(1) of the Town and Country Planning Act 1990)
- applications for development which has already been carried out (under section 73A(1) of the Town and Country Planning Act 1990)
- where it is related to a phase of development in an outline planning permission, applications for reserved matters approvals (under Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015)
- where a local planning authority considers a planning obligation is connected to a Schedule 2 application, requests to agree to modify or discharge a planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990)
- where a local planning authority considers a planning obligation is connected to a Schedule 2 application, application for modification or discharge of a planning obligation (under section 106A(3) of the Town and Country Planning Act 1990)
- applications for listed building consent (under section 10 of the Planning (Listed Buildings and Conservation Areas) Act 1990)
- applications for the variation or discharge of conditions of listed building consent (under section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990)
- applications for advertisement consent (under regulation 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007)
- applications for consent under tree preservation orders (under regulation 16 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012)

- applications to which paragraph 11 above apply

13. The overriding presumption is that the functions listed in Schedule 2 will be delegated to officers. A function can be referred to a committee or sub-committee only where:

a) at least one of the criteria in regulation 5(2) is met or it is an application made by or on behalf of a local authority, a member or officer of that local authority or an entity owned or controlled (whether wholly or partly) by that authority or any of its members or officers (regulation 6); and

b) the nominated officer and nominated member of the planning committee agree to the referral

14. For these purposes:

a) the nominated officer should be the Chief Planning Officer or equivalent officer who has extensive professional planning experience. However, local planning authorities will also need to ensure they have other senior planning officers who can provide cover if needed to avoid any unnecessary delays in the referral process

b) the nominated member should be the chair of the planning committee or, where such a role does not exist, the equivalent member. As in the case of nominated officers, the authority will need to ensure there are arrangements in place for other members to cover should the nominated member not be available

Where local planning authorities have more than one planning committee, they may nominate different officers or members for each committee.

15. It is for individual local planning authorities to put in place their own arrangements for how the consideration of cases for referral to committee will operate in practice.

16. Where local planning authorities anticipate that there may be a significant number of cases which meet the criteria in regulation 5(2) or which may fall under regulation 6 and which could therefore, be considered for referral to committee they may wish to put in place a triage system to ensure that the nominated officer and nominated member of the committee are not overwhelmed and to avoid any unnecessary delays in planning decision making.

17. Nominated officers and nominated members should make every effort to reach agreement on which cases should be referred to committee. However, where agreement is not possible, the case must be delegated to officers under regulation 5(3).

18. Where an application would otherwise be in Schedule 1 but is of a type set out in paragraph 11 above it should be considered to be in Schedule 2.

Criteria which must be met before a case can be considered for referral

19. In determining whether a referral is made, the presumption should be that decisions are delegated to officers and only exceptionally be referred to committee. At a minimum, at least one of the following statutory criteria must be met for a referral to committee to be considered to meet that threshold:

- A. where the application raises a significant planning matter having regard to the development plan and any other material considerations
- B. where the application raises an economic, social or environmental issue of significance to the local area

20. For the purpose of criteria A, the following circumstances are unlikely to raise a significant planning matter:

- where the application for development broadly complies with a detailed site allocation and other relevant policies set out in a local or neighbourhood plan and national decision making policies set out in the National Planning Policy Framework. Significant planning matters may arise if new material considerations are raised by the application
- where a specific planning matter (e.g. highways or flood risk) was initially raised by a statutory consultee as a concern, but the development proposal has been modified to make it acceptable in the view of the statutory consultee (unless the nominated officer has compelling reasons to consider otherwise)

21. Applications for development which do not raise a significant planning matter can only be referred to the committee under criteria B if they raise a significant economic, social or environmental issue for the local area. It is for the nominated officer and member to assess whether the development proposal raises any such issue, providing an opportunity for local democratic oversight where necessary. Examples could include:

- an application for outline planning permission for a large multi-phase residential development allocated in the local plan
- an application for planning permission for change of use of a community shop in a rural area
- an application for planning permission or listed building consent for changes to a notable listed building in a town centre

22. Where applications are made by the authority itself or an officer or member of the authority or an entity owned or controlled (whether wholly or partly) by that authority or any of its members or officers, we recognise that there may be cases where, in the interests of transparency and public accountability, it may be appropriate for some applications to be referred to a planning committee or sub-committee even if they do

not raise any significant planning, economic, social or environmental issues. These cases can be referred to the committee without the need for consideration of the criteria set out in regulation 5(2). Where no such referral has been made, they will be determined by an officer.

23. Under regulation 10 of the Town and Country Planning General Regulations 1992, where a local planning authority is determining its own application for planning permission, it must not be determined by a committee, sub-committee or officer responsible for the management of the building or land to which the application relates. In addition to this restriction, where a planning application is made by or on behalf of a nominated officer or member or an entity owned or controlled (whether wholly or partly) by a member or officer (including jointly with another person), in the interests of propriety, they should not be involved in the decision on whether to refer it to committee or not.

Treatment of reserved matters applications

24. We recognise that in some cases outline planning applications may relate to large scale phased development taking place over many years. As such each reserved matters application can represent substantial development in its own right and may, in some cases, merit committee scrutiny. For this reason, as set out above, we have distinguished between those reserved matters applications which relate to phased outline planning permissions and those which do not, with the former being placed in Schedule 2 and the latter in Schedule 1.

Treatment of section 106 decisions

25. We have not made specific provision for section 106 agreements themselves in the regulations. This is because, most of the time, appropriate section 106 obligations will be considered as part of the application process. In other cases, they can be entered into unilaterally by the landowner so there is no real 'function' for the local planning authority. We recognise that there may occasionally be section 106 obligations which are agreed outside of the context of a planning application but we consider that, in these cases, the decision on whether it should be delegated to officers or go to committee should be left to the discretion of the local authority.

26. Where a local planning authority considers a section 106 agreement is connected to an application falling into either Schedule 1 or Schedule 2, and agreement is being sought to amend or discharge the planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990), the function of agreeing to amend or discharge the obligation should fall into the same tier as the related application. This same approach applies to applications to modify or discharge an obligation under section 106A(3).

Transparency and Reporting

27. As a minimum, the local planning authority should keep a record of the cases the nominated officer and nominated member have considered for referral to committee, the outcome of their consideration and the reasons for their decision. They should report this to the planning committee on a regular basis and make it available on their website.

Size of committees

28. Regulation 7 provides for the number of members on a planning committee or sub-committee to be no more than 13. This is a maximum figure to accommodate local planning authorities where members are from multiple political parties. Local planning authorities should consider whether a smaller number of members would be more appropriate in their area to support effective decision making.