

CHANGES TO THE CONSTITUTION ARISING FROM LOCAL DEVELOPMENT FRAMEWORK

Article 4 – Council assembly

4.01 Meanings

(a) **Policy framework.** The policy framework means the following plans and strategies:

- Corporate plan (including best value performance plan)
- Community strategy
- Crime and disorder reduction strategy
- Plans and strategies which comprise the **development plan document (including the** unitary development plan (UDP)
- Children and young persons plan
- Youth justice plan
- Neighbourhood renewal strategy
- Policy on community councils
- Capital investment strategy (including prudential borrowing arrangements)
- Housing strategy

Article 8 – Regulatory and other committees

8.01 Regulatory and other committees

The council will appoint the following committees to undertake non executive functions. Council assembly will delegate powers to these committees to discharge their relevant functions.

Name of committee	Role and functions
Planning committee	<p>1. To determine the following categories of planning applications (including listed building consent, conservation area consent and advertising consent), where the development proposed involves the creation of 50 or more housing units or more than 3,500<sup>m2</sup> of commercial floor space or a mixed use development with more than 3,500<sup>m2</sup> of floor space, including applications for change of use, or the application is clearly linked to another application which is to be considered by the planning committee:</p> <p>(1) Those which are significantly contrary to the provisions of the <b>development plan document (including the</b> unitary development plan (UDP) or other plans approved by the council for the purpose of development control, and which are recommended for approval;</p>

Name of committee	Role and functions
<p>Planning committee (continued)</p>	<p>(2) Those which are controversial or raise a major issue of a planning nature except where they are straightforward refusals;</p> <p>(3) Those requested by a ward member to be determined by elected members, subject to the request being agreed by the chair of the committee;</p> <p>(4) All applications for the council's own developments except for the approval of reserved matters and minor developments to which no objections have been made;</p> <p>(5) Those involving legal agreements, other than those in accordance with policy requirements, e.g. affordable housing, highway improvements, environmental work and other works required as part of a development proposal; and/or,</p> <p>(6) To set the principles for section 106 agreements on those applications before the committee.</p> <p>2. To consider the expenditure of funds over £100,000 secured through legal agreements under section 106 of the Town and Country Planning Act 1990, or any previous legislation.</p> <p>3. The designation of conservation areas including the adoption of conservation area character appraisals and detailed design guidance, and authorisations under article 4 of the Town and Country Planning Permitted Development Order 1995.</p> <p>4. <del>The consideration of and adoption for development control purposes of planning briefs to guide the development of particular sites.</del></p> <p>5. To consider and determine all planning applications of strategic importance in the borough, including:</p> <ul style="list-style-type: none"> <li>• applications which require referral to the Mayor of London;</li> <li>• applications which are required to be notified to the Secretary of State as departures from the <b>development plan document (including the UDP)</b>;</li> <li>• applications where the submission of an environmental impact assessment is required by</li> </ul>

Name of committee	Role and functions
<p>Planning committee (continued)</p>	<p>regulation or following a screening application;</p> <ul style="list-style-type: none"> <li>• applications for the development of metropolitan open land;</li> <li>• applications for the development of contaminated land; and/or,</li> <li>• specific applications not covered by the above but determined as strategic by the strategic director (regeneration and neighbourhoods).</li> </ul> <p>6. To consider and determine all planning applications where the development will have a material impact on the area of one or more neighbouring community councils. The strategic director (regeneration and neighbourhoods) will determine, in consultation with the chairs of the relevant community councils, when such boundary proximity is a material factor.</p> <p>7. To consider any application reserved to community councils in the event that the relevant community council meeting was inquorate or the personal interests or decided views of a large number of members would be likely to render the meeting inquorate.</p> <p>8. To comment on the successive drafts of the <b>development plan document (including the UDP)</b> and make recommendations to the executive, as appropriate.</p> <p>9. To comment on draft supplementary planning <b>document</b> guidance <b>(including planning briefs)</b> and make recommendations to the executive, as appropriate.</p> <p>10. To report to the executive on matters relating to the implementation of planning policy.</p> <p><b>11. To comment on consultation documents proposing significant changes to strategic planning policies (e.g. London Plan, Cross River Tram) and make recommendations on the council's response to the executive, as appropriate.</b></p>

## PART 3A: MATTERS RESERVED TO COUNCIL ASSEMBLY

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The following matters are reserved to council assembly for decision:

1. Electing the leader and the executive.
2. Adopting the local authority's code of conduct.
3. Electing the Mayor.
4. Agreeing the budget and determining the level of local taxation.
5. Agreeing the policy framework comprising the following plans and strategies:
  - Corporate plan (including best value performance plan)
  - Community strategy
  - Crime and disorder reduction strategy
  - Plans and strategies which comprise the **development plan document (including the** unitary development plan (UDP)
  - Children and young persons plan
  - Youth justice plan
  - Neighbourhood renewal strategy
  - Policy on community councils
    - Capital investment strategy (including prudential borrowing arrangements)
    - Housing strategy.

## PART 3F: MATTERS RESERVED TO THE PLANNING COMMITTEE AND COMMUNITY COUNCILS EXERCISING PLANNING FUNCTIONS

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### Planning committee to consider:

1. Consideration of the following categories of planning applications (including listed building consent, conservation area consent and advertising consent), where the development proposed involves the creation of 50 or more housing units or more than 3,500<sup>m</sup><sup>2</sup> of commercial floor space or a mixed use development with more than 3,500<sup>m</sup><sup>2</sup> of floor space, including applications for change of use, or the application is clearly linked to another application which is to be considered by the planning committee:
  - (1) Those which are significantly contrary to the provisions of the **development plan document (including the** unitary development plan (UDP) or other plans approved by the council for the purpose of development control, and which are recommended for approval;
  - (2) Those which are controversial or raise a major issue of a planning nature except where they are straightforward refusals;
  - (3) Those requested by a ward member to be determined by elected members, subject to the request being agreed by the chair of the committee;
  - (4) All applications for the council's own developments except for the approval of reserved matters and minor developments to which no objections have been made;
  - (5) Those involving legal agreements, other than those in accordance with policy requirements, e.g. affordable housing, highway improvements, environmental work and other works required as part of a development proposal.
2. To consider the expenditure of funds over £100,000 secured through legal agreements under section 106 of the Town and Country Planning Act 1990, or any previous legislation.
3. The designation of conservation areas including the adoption of conservation area character appraisals and detailed design guidance, and authorisations under article 4 of the Town and Country Planning Permitted Development Order 1995.
4. ~~The consideration of and adoption for development control purposes of planning briefs to guide the development of particular sites.~~
5. To consider and determine all planning applications of strategic importance in the borough, including:
  - Applications which require referral to the Mayor of London;
  - Applications which are required to be notified to the Secretary of State as departures from the **development plan document (including the** UDP);

- Applications where the submission of an environmental impact assessment is required by regulation or following a screening application;
  - Applications for the development of metropolitan open land; and,
  - Applications for the development of contaminated land.
  - Specific applications not covered by the above but determined as strategic by the strategic director (regeneration and neighbourhoods).
6. To consider and determine all planning applications where the development will have a material impact on the area of one or more neighbouring community councils. The strategic director (regeneration and neighbourhoods) to determine, in consultation with the chairs of the relevant community councils, when such boundary proximity is a material factor.
  7. To consider any application reserved to community councils in the event that the relevant community council meeting was inquorate or the personal interests or decided views of a large number of members would be likely to render the meeting inquorate.
  8. To comment on the successive drafts of the **development plan document (including the** unitary development plan (UDP) and make recommendations to the executive, as appropriate.
  9. To comment on draft supplementary planning **document guidance (including planning briefs)** and make recommendations to the executive, as appropriate.
  10. To report to the executive on matters relating to the implementation of planning policy.

**11. To comment on consultation documents proposing significant changes to strategic planning policies (e.g. London Plan, Cross River Tram) and make recommendations on the council's response to the executive, as appropriate.**

#### **Community councils to consider:**

1. Consideration of the following categories of planning applications (including listed building consent, conservation area consent and advertising consent), where the development proposed involves the creation of fewer than 50 housing units or less than 3,500<sup>m2</sup> of commercial floor space or a mixed use development with less than 3,500<sup>m2</sup> of floor space, including applications for change of use, except where the application is clearly linked to another application which is to be considered by the planning committee:
  - (1) Those which are significantly contrary to the provisions of the **development plan document (including the** UDP) or other plans approved by the council for the purpose of development control, and which are recommended for approval;
  - (2) Those which are controversial or raise a major issue of a planning nature except where they are straightforward refusals;

- (3) Those requested by a ward member to be determined by elected members, subject to the request being agreed by the chair of the community council;
- (4) All applications for the council's own developments except for the approval of:
- Reserved matters and minor developments to which no objections have been made; or,
  - Developments that are proposed by community councils.
- (5) Those involving legal agreements, other than those in accordance with policy requirements, e.g. affordable housing, highway improvements, environmental work and other works required as part of a development proposal.
- 2 To comment on the proposed expenditure of funds over £100,000 secured through legal agreements under section 106 of the Town and Country Planning Act 1990, or any previous legislation where the site to which the agreement relates and the site(s) where expenditure will be incurred are in the same community council area.
3. To comment on proposals for the designation of conservation areas including the adoption of conservation area character appraisals and detailed design guidance, and authorisations under article 4 of the Town and Country Planning Permitted Development Order 1995 affecting the area of the community council.
4. To comment on proposals to adopt planning briefs for development control purposes to guide the development of particular sites within the area of the community council.
5. To be consulted on all major and strategic schemes prior to consideration by the planning committee, subject to the consultation deadlines.

## NOTES

- (a) All matters not reserved as above are delegated to the appropriate chief officer, head of service or business unit manager. ~~except that authority to initiate prosecutions is delegated to:~~
- ~~Strategic director (regeneration and neighbourhoods);~~
  - ~~Head of planning;~~
  - ~~Business support services coordinator; or,~~
  - ~~Development and building control manager~~
- (b) Each chief officer and/or head of service in making decisions under the above scheme is required to do so within the internal scheme of management for their own department. This will include appropriate monitoring arrangements, and dissemination of information both internally and externally to the council.

**Notes:**

1. It is proposed to proceed with the review of this section of the constitution in two stages:

**Stage 1** - For May 2007 - Make some minor changes as a holding position to update policy references. This will enable policy framework and matters reserved to reflect the new arrangements and the UDP. So for example, references would change as follows:

- "unitary development plan" - becomes "development plan document (including the unitary development plan)"
- "supplemental planning guidance" - becomes "supplemental planning document"
- "planning brief" – name unchanged. Decision maker clarified (see separate note below)

**Stage 2** - After June 2007 officers will review all the references to planning policy and development control as part of the comprehensive review.

2. Legal officers have commented that there was to be a move away from the term "planning brief" in the new planning framework to ensure a split between the property led planning brief and the policy led document. In the longer term the council may want to consider a change to describe the planning brief as a "site specific supplementary planning document".

However at this point in time, members should bear in mind the wording of the statement of community involvement (SCI). It is noted that the decision-making process is described as the same for supplementary planning documents (SPDs) - see page 11 (Table 4). Therefore it is recommended that the constitution reflect the process described in the SCI.

3. The planning committee articles and matters reserved include an amendment requested by the constitutional steering panel to allow the committee to comment on external consultation documents proposing significant changes to strategic planning policies (e.g. London Plan, Cross River Tram) and make recommendations on the council's response to the executive, as appropriate.
4. Renumber paragraphs accordingly.