

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Thursday 30 November 2023**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **DEVELOPMENT CONTROL COMMITTEE/PLANS SUB-COMMITTEES - TERMS OF REFERENCE**

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Chief Officer: Tasnim Shawkat, Director of Corporate Services and Governance

Ward: All Wards

1. Reason for decision/report and options

- 1.1 A small technical change is required to the terms of reference of this Committee and the Plans Sub-Committees, as listed in the Council's Constitution, to enable Members to determine a range of types of application in Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) that are not covered in the Functions Regulations.

2. **RECOMMENDATION**

- 2.1 **That the updated terms of reference for this Committee and for Plans Sub-Committees, set out in Appendix A below, be approved and referred to Council for adoption in the Constitution.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
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Transformation Policy

1. Policy Status: Existing Policy
 2. Making Bromley Even Better Priority
(5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
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Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £402k
 5. Source of funding: Revenue Budget
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Personnel

1. Number of staff (*current and additional*): 6
 2. If from existing staff resources, number of staff hours: Not Applicable
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Legal

1. Legal Requirement: None
 2. Call-in: Not Applicable: This matter does not involve an executive decision.
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Procurement

1. Summary of Procurement Implications: Not Applicable
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Property

1. Summary of Property Implications: Not Applicable
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Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: Not Applicable
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Impact on the Local Economy

1. Summary of Local Economy Implications: Not Applicable
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Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: Not Applicable
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Customer Impact

1. Estimated number of users or customers (*current and projected*): Not Applicable
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

3. COMMENTARY

3.1 At its meeting on 9th November 2023, the Plans Sub-Committee No. 4 was due to consider a report on an application under the General Permitted Development Order for prior approval of various impacts of a roof extension to provide additional flats at the property. The application had been referred to Sub-Committee following ward member call-in, but the report had to be withdrawn from the agenda as it was established that the Sub-Committee did not have authority to take the decision. This was because the existing terms of reference of Plans Sub-Committees, and of this Committee, refer only to the powers and duties of a Local Planning Authority as set out in Schedule 1 of the Functions Regulations, and the Functions Regulations have not been updated to take into account the latest version of the General Permitted Development Order (GPDO).

3.2 This problem can be overcome by adding the following words to the terms of reference of this Committee and Plans Sub-Committees –

“and to exercise the prior approval functions under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).”

The full terms of reference with the new words highlighted in red/italics are set out in Appendix A.

3.3 Terms of reference for this Committee and for Plans Sub-Committees are set out in Part 3 of the Council’s Constitution (to be included in Chapter 5 of the revised Constitution structure currently being recommended to Council by General Purposes and Licensing Committee.) Full Council will need to approve the changes to terms of reference proposed.

4. LEGAL IMPLICATIONS

4.1 To enable this Committee and Plans Sub-Committees to be able to determine the full range of applications, reference to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) needs to be made in their terms of reference.

Non-Applicable Headings:	Vulnerable Adults and Children/Policy/Finance/Personnel/Procurement/Property/Local Economy/Health & Wellbeing/Customers/Ward Councillors
Background Documents: (Access via Contact Officer)	Council Constitution – Part 3

CONSTITUTION – PART 3 RESPONSIBILITY FOR FUNCTIONS (Page 58)

(Additional wording in red/italics)

2.08 **Development Control Committee** (Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority)

1. **Planning and Conservation and Building Control.** All the Council's powers and duties relating to town and country planning and development control and building control as specified in Schedule 1 of the Functions Regulations, including, where appropriate, determining cases relating to individual sites *and to exercise the prior approval functions under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*
2. **Local Plan and Development Documents.** To be responsible for preparing, revising and recommending the Plan to the Executive.
3. **Highways use and regulation.** The exercise of powers relating to the regulation of the use of highways under the Town and Country Planning Acts 1990, as set out in Schedule 1 to the Functions Regulations.
4. **Common land and village greens.** Power to register common land or village greens and to register variation of rights of common.

2.09 **Plans Sub-Committees** (Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority)

Concurrently with Development Control Committee -

1. To exercise all the powers and duties of the Council as local planning authority as set out in Schedule 1 of the Functions Regulations *and to exercise the prior approval functions under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*
2. To exercise all the powers and duties of the Council in relation to Building Control matters – as set out in Schedule 1 to the Functions Regulations.