

## **Part 2 – The Articles**

### **Chapter 9 – Development Control Board**

#### **1. Status and Membership**

- 1.1 The Development Control Board is a committee established under Section 102 of the Local Government Act 1972.
- 1.2 The membership of the Board shall be 19, two of whom shall be ex-officio voting members by virtue of their portfolio responsibilities, namely the Cabinet Members for Economic and Social Development and for Finance, Growth and Investment. The quorum shall be five Members.
- 1.3 The Assembly shall appoint the membership, including the Chair and Deputy Chair, at its Annual Meeting. Political balance requirements of Section 15 of the Local Government and Housing Act 1989 apply when determining membership.

#### **2. Responsibility for Functions**

- 2.1 The Development Control Board has responsibility for determining the following functions of the Council as the Local Planning Authority:
  - (i) Any application recommended for approval with five or more objections from local residents other than an application for prior approval which may be agreed by the Strategic Director of Growth and Homes in consultation with the Chair and Deputy Chair.
  - (ii) Applications which are recommended for approval and are considered by the Strategic Director of Growth and Homes to be contrary to any material aspect of the Local Plan except applications for:
    - a. flats above shops in retail parades which do not provide amenity space to the standards set in Borough Wide Development Policy BP8;
    - b. new houses with a garden of less than 12 metres depth where the new homes do not back on to other houses, adequate back to back distances are maintained, or where the rooms are arranged to ensure there are no overlooking issues;
    - c. new homes with less than 1 for 1 car parking in a Controlled Parking Zone.
  - (iii) Applications for the mining and working of minerals or the use of land for mineral working deposits.
  - (iv) Applications which are recommended for refusal and are considered by the Strategic Director of Growth and Homes not to be contrary to any material aspect of the Local Plan.
  - (v) Applications submitted by or on behalf of a Councillor or by any employee (or their spouse/partner) of the Regeneration Division.

- (vi) Applications which any Councillor requests in writing to the Strategic Director of Growth and Homes within 21 days from the date of validation of the application subject to agreement of the Chair.
- (vii) Any other application or issue which, on advice from the Strategic Director of Growth and Homes, the Chair decides should be determined by the Development Control Board, by reason of its scale, impacts upon the environment or the level of public or likely Councillor interest;
- (viii) Appointing sub-committees, including the following:

**Visiting Panel Sub-Committee** - consisting of the Chair and Deputy Chair of the Board and four other Members of the Board to be appointed at the first meeting in the municipal year, to undertake inspections of buildings and sites as directed by the Board and to make recommendations to the Board arising from these inspections, unless otherwise empowered to act by the Board. The relevant Ward Councillors shall also be invited to attend meetings in a non-voting capacity.

**Performance Review Sub-Committee** - consisting of the Chair and Deputy Chair of the Board and four other Members of the Board to be appointed at the first meeting in the municipal year, to consider and report back to the Development Control Board on an annual basis in respect of:

- a random sample of up to 20 delegated decisions on a range of applications and examine and evaluate between 5 and 10 of them to assess whether relevant planning policies and criteria were applied in each case;
  - planning appeal performance; and
  - scrutiny of overturned decisions.
- (ix) Authorisation of legal challenges to appeal decisions.
  - (x) Reports on new, or amendments to existing, statutory provisions and guidance covering development control matters.
  - (xi) Revoking and hearing opposed Tree Preservation Orders.
  - (xii) All other functions set out in column (1), paragraph A of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, and all legislation appertaining to planning contained in the Planning Acts. This includes changes introduced by the Localism Act 2011 and the Growth and Infrastructure Act 2013 and any delegated legislation made pursuant to the Planning Acts.

### **3. Frequency of Meetings**

- 3.1 The Development Control Board shall meet approximately every four weeks in order to consider planning applications and other matters within statutory timescales.

#### **4. Speaking by Members of the Public and Other Interested Parties at Meetings**

- 4.1 Members of the public may be permitted to address the Board as an objector to an application subject to notice having been given to the Council's Democratic Services team by 12.00 noon on the day before the Board meeting. In normal circumstances, a maximum of three members of the public will be allowed to speak at the meeting, each with a target time limit of three minutes. In the event that more than three members of the public wish to speak, subject to the Chair's discretion, priority will be given to those who made representations during the consultation period for the application.
- 4.2 Elected representatives acting on behalf of their constituents are also permitted to speak at meetings without having to give prior notice, with a target time limit of three minutes each.
- 4.3 The Chair has discretion to extend the time limit of speakers or limit the number of speakers to ensure the efficient running of the meeting, in line with the procedures for the meeting.

#### **5. Speaking by the applicant (or their representative) and responsible authorities**

- 5.1 The applicant (or their representative) and responsible authorities (e.g. the Police, Fire Brigade, relevant Council services etc.) will be entitled to address the Board in line with the procedures for the meeting. The Chair has discretion to restrict the time allowed to such speakers to ensure the efficient running of the meeting.
- 5.2 In normal circumstances, it will not be necessary for the applicant (or their representative) to address the Board unless either (i) the application is recommended for refusal; (ii) objectors have raised additional issues at the meeting to which the applicant (or their representative) wishes to respond to; and/or (iii) the application is recommended for approval but with conditions to which the applicant (or their representative) objects to.
- 5.3 Copies of the relevant procedures are available on the Council's website or by contacting Democratic Services.

#### **6. Councillors' Code of Conduct for Planning Matters**

- 6.1 The Councillors' Code of Conduct for Planning Matters is set out in Chapter 2, Part 5 of this Constitution.