

Appendix 1 – Planning Committee Reforms

Proposed changes to the terms of the Planning Committee (Part 4 of the Constitution)

PLANNING COMMITTEE

References to:

- the '2026 Regulations' are to the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026;

- the 'nominated member' are to the Chair of the Planning Committee or, in their absence, the Vice-chair of the Planning Committee. In addition, the Chair of the Planning Committee may also appoint up to two other members of the Planning Committee to act if neither they nor the Vice-chair of the Planning Committee is able to act;

- the 'nominated officer' are to the Head of Planning and Development Services, Development Management Services Manager, Development Management Area Manager and Development Management Planning Manager or such other successor or equivalent posts; and

- 'own-interest applications' have the same meaning as regulation 6 of the 2026 Regulations.

- 'large outline permission' has the same meaning as regulation 2 of the 2026 Regulations.

Membership

- The committee comprises 8 councillors or such other number of councillors **not exceeding 13** as Full Council may determine from time to time.

Terms of Reference

1. If, exceptionally, the nominated member and nominated officer agree to a referral because at least one of the criteria in regulation 5(3) of the 2026 Regulations is met, ~~to~~ determine the following:

- a. Applications for Planning Permission made under the Town and Country Planning Act 1990; and
- b. Applications for Listed Building Consent made under the Planning (Listed Buildings and Conservation Areas) Act 1990,

where the recommendation is for approval and the application falls within at least one of the following categories:

- i. construction of 20 or more dwellings
- ii. outline residential development with a site **larger than of 0.54 hectare or larger**
- iii. construction of a non-residential building exceeding 1,000sq. metres in floorspace outside a designated Strategic Industrial location or Locally Significant Industrial site;
- iv. outline non-residential development with a site **larger than of 0.54 hectare or larger,** outside a designated Strategic Industrial location or Locally Significant Industrial site;

~~iv.~~

v. reserved matters application relating to a large outline planning permission with over 500 dwellings or development creating 50,000sqm of floorspace; and

own-interest applications where they fall within categories i. to v, above; and

—an application made under Section 73, 73A, 73B of Town and Country Planning Act 1990 in relation to categories i. to vi above.

v.

vi. — the matter relates to a proposal falling within one of the categories i. to iv. above, and would, if approved, represent a significant departure from one or more of the policies in the Development Plan and, in the opinion of the Corporate Director Neighbourhoods and Regeneration or the Head of Planning constitute a substantial conflict with the aims and objectives of the relevant policy or policies; or

vii. — 8 or more written objections or a petition containing at least 51 signatures have been received, in accordance with the criteria set out below but only if the application does not relate to:

a. — alterations to residential buildings including extensions, outbuildings (including garages), walls, vehicular accesses, hardstandings, porches, aerials;

b. — satellite television dishes or aerials;

2. — To determine the following:

a. — Applications for Planning Permission made under the Town and Country Planning Act 1990; and

b. vi. Applications for Listed Building Consent made under the Planning (Listed Buildings and Conservation Areas) Act 1990,

— If, exceptionally, the nominated member and nominated officer agree to a referral, to determine own interest applications recommended for approval and falling within paragraph 1. and categories i to vi above where at least three Brent Councillors have requested, in accordance with the criteria set out below, that the application be considered by the Planning Committee.

2. —

3. If, exceptionally, the nominated member and nominated officer agree to a referral because at least one of the criteria in regulation 5(3) of the 2026 Regulations is met, to determine an application to amend or discharge a planning obligation under section 106A of the Town and Country Planning Act 1990 in relation to a planning permission arising from a development recommended for approval and falling within paragraph 1. and categories i. to vi above.

4. If, exceptionally, the nominated member and nominated officer agree to a referral because at least one of the criteria in regulation 5(3) of the 2026 Regulations is met, ~~t~~To determine or consider any other planning application or planning matter which is not a Schedule 1 application or Schedule 2 application as defined in the 2026 Regulations, including pre-application presentations and proposals subject to non-determination appeals, referred to the committee by the Corporate Director, Neighbourhoods and Regeneration or the Head of Planning and Development Services.

~~3.5. To receive a record of the cases the nominated member and nominated officer have considered for referral to the Planning Committee, the outcome of their consideration and the reasons for their decision.~~

~~4. To determine any other planning application or planning matter which the Planning Committee has specifically indicated it wishes to consider itself with the exception of proposals subject to non-determination appeals which in the opinion of the Corporate Director, Neighbourhoods and Regeneration or the Head of Planning require an urgent response.~~

Limitations

~~With the exception of applications falling within paragraphs 1. vi. or 2. above, section 73 of the Town and Country Planning Act 1990 applications for minor material amendments are excluded unless, in the view of the Corporate Director, Neighbourhoods and Regeneration or the Head of Planning, the minor material amendment raises issues of planning significance not previously considered.~~

Criteria for written objections

~~For the purposes of paragraph 1. vi. above, an objection is valid only if, in the opinion of the Corporate Director, Neighbourhoods and Regeneration or the Head of Planning, all of the following criteria are met:~~

- ~~• it is submitted on-line via the Council's Planning Public Access System or it is received by letter or an email*;~~
- ~~• it is in response to a current application that has been publicised by the Council;~~
- ~~• it includes the person's name and postal address;~~
- ~~• it is from a person who lives or works or carries on a business:
 - ~~○ in Brent; or~~
 - ~~○ in a ward which is actually and directly affected by the application and adjoins Brent but is in a neighbouring authority's area;~~~~
- ~~• it raises planning considerations that are material and related to the application;~~
- ~~• it clearly states what is being objected to and gives reason(s) which are relevant planning considerations; and~~
- ~~• any material planning objection raised cannot be overcome by imposing planning condition(s) or securing planning obligation(s).~~

~~* Identical, similar or pro-forma letters or emails, which also meet all of the above criteria, will each be treated as a single signature in support of a petition and not as individual objections in their own right.~~

Criteria for Councillor referral (Call-in procedure)

~~An application will fall within paragraph 2. above if, in the opinion of the Corporate Director,~~

~~Neighbourhoods and Regeneration or the Head of Planning, all of the following criteria are met:~~

- ~~• it clearly states that the Councillor wishes the application to be determined by the Planning Committee and explains why it is not appropriate for the application to be determined under officer delegated powers;~~
- ~~• it states whether or not the Councillor has been in contact with the applicant, agent, objector(s) or any other interested party concerning the application and, if so, provides details of the approach(es), including the identity of the person(s);~~
- ~~• it is in response to a current application that has been publicised by the Council; and~~
- ~~• it raises planning considerations that are material and related to the application.~~

Consequential changes

Having reviewed the Constitution, these are the only proposed amendments directly arising from the new delegation arrangements:

Part 5 – Planning Code of Practice

Delete the following paragraph:

“5. A detailed protocol for call-in, which enables a decision to be reviewed before it is implemented, is set out in the “Protocol on Call-in” (Part 5 of the Constitution); and the Planning Committee terms of reference (Part 3 of the Constitution).”

Add the following paragraph after 7.3:

“7.3A Where a planning application may be referred to the Planning Committee Councillors should not put improper pressure on the nominated member or nominated officer to make a referral or do anything which compromises, or is likely to compromise the nominated member or nominated officer’s impartiality.

