

Hillingdon Planning & HS2 Delegations

Latest approved changes ~~deletions~~ highlighted

Primary Committee Delegations

8.02 Planning Committees

(a) Introduction

The Council has two area based Planning Committees. The Central and South Committee which covers the Hayes and Harlington, Heathrow and Uxbridge area and the North Committee which covers the Ruislip and Northwood area. In addition the Council has a Major Applications Committee which determines major planning applications or matters in relation to High Speed 2 (HS2).

(b) Membership

Each of each of the three Planning Committees has 9 Members and they will be politically balanced. The Major Applications Committee may establish a Sub-Committee to consider HS2 matters which will consist of seven Members and all Members of the existing Planning Committees are eligible for membership (and substitutes) of the Sub-Committee.

(c) Terms of Reference

Each of the Planning Committees exercise the following functions:

1. To determine any applications made under the provisions of the Town and Country Planning Legislation and Orders.
2. To approve directions restricting permitted development rights.
- ~~3. To approve the Council's response to development proposals not requiring planning applications for example, from Government Departments or adjoining local authorities.~~
- ~~4. To adopt supplementary planning guidance specific to the area.~~
5. To confirm and modify Tree Preservation Orders where objections have been received.
6. To approve highway schemes where required as part of a planning application.
7. To authorise any legal agreements required in respect of any planning applications.

8. To authorise the service of stop notices under Planning legislation.
9. To authorise the making, issue and service of any notices, orders and other documents under the town and country planning and listed buildings legislation.
10. To authorise the institution of any legal proceedings in respect of any notices orders and other documents made, issued and served under the town and country planning and listed buildings legislation.
9. To authorise the institution of legal proceedings to seek injunctive relief under the town and country planning and listed building legislation.

(d) Major Applications Committee

The Major Applications Committee will determine major planning applications that involve:

1. the creation of 10 or more residential units.
2. residential development on a site of 0.5 hectares or more
3. non-residential development on a site of at least 1 hectare
4. non-residential development that creates more than 1000 square metres of new gross floorspace
5. the creation of a change of use of 1000 square metres or more of gross floor space (not including housing)
6. Council owned development sites / applications where the Council is the applicant.

The Committee also determines the following applications in respect of High Speed 2 (HS2) and may establish a Sub-Committee to consider these:

1. To approve the detail design of works.
2. To control and enforce construction arrangements and works.
3. To determine restoration schemes.
4. To determine and if necessary impose conditions in relation to the bringing into use of any scheduled work or depot.
5. To consider and if necessary determine any matters arising out of context reports submitted by HS2 Ltd.
6. To authorise enforcement action to be taken where it is considered to be expedient to do so.
7. To determine any other matter arising under Schedule 17 of the High Speed Rail [London - West Midlands] Act 2017 where HS2 Ltd require the Council's consent or approval.

Additionally The Head of Planning, Transportation & Regeneration, in consultation with the appropriate Cabinet Member, may refer applications which by virtue of the level of public interest or by virtue of the economic / regeneration benefits of the proposals are felt to warrant consideration at the Major Applications Committee.

Officer Planning Delegations - including matters to be referred to a Committee (Part of the Residents Services Scheme of Delegations)

PLANNING DELEGATIONS APPROVED BY FULL COUNCIL AND AS DELEGATED BY THE DEPUTY CHIEF EXECUTIVE AND CORPORATE DIRECTOR OF RESIDENTS SERVICES

Delegated to the Head of Planning, Transportation & Regeneration in accordance with S101 of the Local Government Act 1972. Also sub-delegated to Planning Services Manager (as of 28/2/2012 onwards).

1. Determination of applications as to whether planning permission is required.
2. Determination of applications for Certificates of Lawfulness for existing use or Development.
3. Determination of applications for single dwellings and housing developments of less than 10 dwellings or where the site area is less than 0.5 hectares and the number of dwellings is not specified.
4. Determination of applications for changes of use of retail units, apart from those involving a loss of A1 uses.
- ~~5. Determination of applications for Conservation Area Consent for demolition in Conservation Areas.~~
6. Determination of applications for changes of use of industrial units apart from changes to retail uses.
7. Determination of Householder applications in the Green Belt.
8. Approval of any application or consent not included in the attached schedule and which does not conflict with any planning policies, which is acceptable on planning grounds, where no valid planning objection has been received in the form of a petition of 20 or more signatures or 20 or more separate written responses, or where a Ward Councillor has not requested it to be reported to Committee for decision.
9. Refusal of any application or consent which conflicts with any planning policies, which is not acceptable on planning grounds and where no valid planning objection has been received in the form of a petition of 20 or more signatures or 20 or more separate written responses, or where a Ward Councillor has not requested it to be reported to Committee for decision.

10. Approval of details required by conditions imposed on the granting of planning permission and where there are no objections.
11. Determination of applications under the Copsewood Covenant.
12. Determination of applications for Certificates of Appropriate Alternative Development.
13. Determination of any application under the appropriate Town and Country Planning General Regulations for Council development which satisfy any of the above delegated powers.
14. Approval of responses to proposals which would have fallen within delegation arrangements if a planning application had been required, i.e. applications under Circular 18/84, consultations on applications submitted to neighbouring planning authorities and applications for determination as to whether prior approval is required under the General Development Order.
15. Approval of ancillary planning agreements and determination of related planning applications, subject to the approval of the relevant Planning Committee of the main heads of terms.
16. Authorisation of planning and highways agreements where it is considered appropriate to secure a particular objective, and which would not conflict with any of the Council's planning policies.
17. The entering of land within the Borough for any purpose or purposes required in connection with the exercise of any statutory planning function.
18. The issue of Planning Contravention Notices.
19. The issue of Temporary Stop Notices
20. Authorisation and issue of Enforcement Notices in connection with Tree Preservation Orders.
21. Serving of Tree Preservation Orders made in respect of the borough's privately owned trees in accordance with the Town and Country Planning Act and government guidance.
22. Determination of applications for work to trees subject to Tree Preservation Orders in the case of: subsidence, Article 5 Directions, alleged danger, and cases dealt with by the Principal Trees and Landscape Officer. All other TPO applications to be determined by the manager of the Planning Specialists Team (Management Level C).
23. Action requiring the removal or obliteration of unauthorised advertisements.
24. Serving of building preservation notices.

25. Responses to consultations on plans and policies of local authorities and other bodies which do not conflict with existing council policies. (See separate schedule of major/contentious applications which will be reported to Committees).
26. To authorise the making, issue and service of any notices, orders and other documents under the town and country planning and listed buildings legislation.
27. To authorise the institution of any legal proceedings in respect of any notices orders and other documents made, issued and served under the town and country planning and listed buildings legislation.
28. To authorise the institution of legal proceedings to seek injunctive relief under the town and country planning and listed buildings legislation.
29. To determine minor applications for development affecting listed buildings and their settings, as defined by **NI157 b and c**, and where there is a connected planning application that is capable of being determined by officers under delegated authority.
30. To determine telecommunication mast applications where the statutory time constraints do not allow for determination by the relevant Planning Committee, in consultation with the relevant Chairman of the Planning Committee and Party Lead.
31. To determine non-material amendments to planning applications.
32. That where a planning application has been refused and is appealed and upheld, to agree the heads of terms of any associated S106 agreement/ Unilateral undertaking. This is provided the S106 agreement/unilateral undertaking covers all the planning obligations identified in the decision notice for the refused application

SCHEDULE OF MATTERS WHICH WILL BE REPORTED TO COMMITTEE FOR DETERMINATION

- a) All applications for which petitions of 20 or more signatures or 20 or more separate written responses have been received.
- b) Authorisation and issue of Enforcement Notices and Breach of Condition Notices under the Town and Country Planning Act & Planning and Compensation Act.
- c) Any application where the Ward Councillor requests, in writing to the Head of Planning, Transportation & Regeneration within 21 days of the publication of the relevant weekly list of applications received by the council, that it be determined by a Committee. The Ward Councillor must include in their request

- i) the valid planning reasons why they wish the application to be determined by Committee and their desired outcome for the application.
- ii) Should the desired outcome subsequently be in accord with the Officer's Recommendation then the application will not be referred to Committee.

Determination of what constitutes a valid planning reason, and thus a valid referral, will be made by the Head of Planning, Transportation & Regeneration in consultation with the relevant Planning Committee Chairman. In exceptional circumstances, as determined by the Head of Planning, Transportation & Regeneration the 21 day rule may be waived.

- d) All telecommunication mast applications where the statutory time constraints allow for determination.
- e) Personal planning applications from Councillors and Chief Officers and officers directly involved in the processing of planning applications be referred to Committee (excludes certificates of existing and proposed lawful use).
- f) Sites where enforcement action has been agreed by Committee and where the development that is the subject of the planning application, relates directly to the subject of the enforcement action agreed by Committee.

ADDITIONALLY, APPLICATIONS IN THE FOLLOWING CATEGORIES SHALL BE REPORTED TO COMMITTEE FOR DETERMINATION BUT ONLY WHERE THE OFFICER RECOMMENDATION IS FOR APPROVAL: -

- a) Dwellings – 10 or more dwellings or site of 0.5 hectares or more.
- b) Offices/research and development/light industry – 1000 square metres of floor space or more.
- c) Heavy industry/storage/warehousing – 1000 square metres of floor space or more or site area of over 1 hectare.
- d) Retail distribution and servicing – 1000 square metres of floor space or more or site area of 1 hectare or more.
- e) All other major development – 1000 square metres of floor space or more or site area of 1 hectare or more.

~~f) Sites where enforcement action agreed by Committee has been taken.~~

- g) Major aviation development leading to a major quantifiable increase in capacity.
- h) All departures from the development plan.

- i) Applications on Green Belt land, apart from Householder applications.
- j) Development affecting listed buildings and their settings, other than minor applications as defined by NI 157 (b) and (c) where there is a connected planning application that is capable of being determined by officers under delegated authority.
- k) Advertisement poster panels of 16-sheet size and above.
- l) Permission in Principle applications, but only where the statutory time constraints allow for determination by Committee.

SCHEDULE OF MATTERS WHICH WILL NOT BE REPORTED TO COMMITTEE FOR DETERMINATION

- a) Existing and proposed certificates of lawful use and reporting to Committee on such decisions for information on a regular basis
- b) All applications to which Paragraph A.4 of schedule 2 (Class A) of the Town and Country Planning (General Permitted Development) Order 1995 applies (42 day prior approval applications) cannot be referred to a Planning Committee. (agreed by Council 2/2014)

High Speed 2 (HS2) Delegations - including planning and related matters (Part of the Residents Services Scheme of Delegations)

Council approved these delegations to the Deputy Chief Executive and Corporate Director of Residents Services on 11 May 2017. From 25 August 2017 these delegations were formally sub-delegated by the Deputy Chief Executive and Corporate Director of Residents Services to the officer posts as indicated / highlighted below.

In relation to High Speed 2 (HS2) to make the following decisions in consultation with the Cabinet Member for Planning, Transportation and Recycling:

Highways

- (a) to determine whether approval should be given in relation to the following matters:
 - access to highways affecting traffic

- stopping up, diversion and interference with a highway
- details of works affecting highways
- trial holes in a carriageway or footway

- (b) to take all necessary steps in relation to the making of a traffic regulation order under Schedule 25 of the High Speed Rail [London - West Midlands] Act 2017.

The Transport and Aviation & Town Centres Manager is authorised to exercise the above delegations in consultation with the Cabinet Member for Planning Transportation and Recycling.

Heritage

- (c) To approve Heritage Method Statements relating to works to listed buildings authorised to be demolished, altered or extended and also for any such works for heritage or monitoring purposes under Schedule 18 of the High Speed Rail [London - West Midlands] Act 2017.

The Planning Specialists Manager is authorised to exercise the above delegation in consultation with the Cabinet Member for Planning Transportation and Recycling.

Waterways, land drainage, flood defence, water discharge

- (d) To take all necessary steps in relation to any proposals or applications submitted by HS2 Ltd in relation to the construction of any works affecting drainage, flood storage and flood defence, the flow or purity of water and conservation of water resources arising under Schedule 33 of the High Speed Rail [London - West Midlands] Act 2017.

The Flood and Water Management Specialist is authorised to exercise the above delegation in consultation with the Cabinet Member for Planning Transportation and Recycling.

Control of Noise Generated by Construction Works

- (e) To determine whether consent should be given under Section 61 of the Control of Pollution Act 1974.

The Anti-Social Behaviour and Enforcement Protection Manager is authorised to exercise the above delegation in consultation with the Cabinet Member for Planning Transportation and Recycling.

Planning

- (f) To agree minor changes to planning approvals already given to HS2 Ltd.

The Head of Planning, Transportation & Regeneration is authorised to exercise the above delegation and to agree all minor changes to planning approvals already given to HS2 Ltd, in consultation with the Cabinet Member for Planning Transportation and Recycling.

Important Note: decisions delegated to the Deputy Chief Executive and Corporate Director of Residents Services in relation to HS2 are executive in nature (i.e.

Cabinet/Cabinet Member). As such, the Leader of the Council may determine which are reported to Cabinet for decision under his formal delegations in the Constitution.

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