

Planning Delegations

Planning committee & officer delegations

Effective - 18 November 2021
London Borough of Hillingdon



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Hillingdon Planning & HS2 Delegations

18 November 2021

Planning Committee Delegations

8.02 Planning Committees

(a) Introduction

The Council has a Borough Planning Committee which determines smaller scale planning applications and a Major Applications Committee which determines major planning applications or matters in relation to High Speed 2 (HS2).

(b) Membership

Each of the Planning Committees has 7 Members and they will be politically balanced.

(c) Terms of Reference

Each of the Planning Committees exercise the following functions:

1. To determine applications made under the provisions of the Town and Country Planning Legislation and Orders.
2. To approve directions restricting permitted development rights.
3. To confirm and modify Tree Preservation Orders where objections have been received.
4. To approve highway schemes where required as part of a planning application.
5. To authorise legal agreements required in respect of any planning applications.
6. To authorise the service of stop notices under Planning legislation.
7. To authorise the making, issue and service of notices, orders and other documents under the town and country planning and listed buildings legislation.
8. To authorise the institution of any legal proceedings in respect of 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.

(c) Borough Planning Committee

The Borough Planning Committee will determine all applications which are not required to be referred to the Major Applications Planning Committee and which cannot be determined under delegated authority by officers.

(d) Major Applications Planning 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.
7. applications in respect of High Speed 2 (HS2) under the following schedules of the High Speed 2 Act:
 - (i) Schedule 17(2) – Condition relating to building works: Where footprint is above 500m²
 - (ii) Schedule 17(6) – Condition relating to road transport proposals for the movement of large goods vehicles (over 7.5 tonnes) of more than 24 movements a day (12 in, 12 out).
 - (iii) Schedule 17(9) – Conditions on bringing scheduled works and depots into use where the scheduled work is more than 500m²
 - (iv) Proposals under Schedule 17(3) Table: (2): Earthworks - where the works involve land of more than 1 hectare
 - (v) Schedule 17(12) – Condition relating to site restoration where the proposals affecting an area of more than 1 hectare

Note: all other Schedule 17 applications and Schedule 16[5] [land restoration schemes] applications from HS2 Ltd to the London Borough of Hillingdon requiring approval are delegated to the Deputy Director of Planning and Regeneration in consultation with the Cabinet Member for Environment, Housing & Regeneration as set out in Part 3 – Scheme of Delegations to Officers

Additionally, the Deputy Director of Planning and 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.

SCHEDULE OF MATTERS WHICH WILL BE REPORTED TO PLANNING COMMITTEE FOR DETERMINATION (subject to the exceptions contained in the schedule of matters which will not be reported to Committee).

- a) Applications for which petitions of 20 or more signatures or 20 or more separate written responses have been received.
- b) Any application where a 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 the valid planning reasons why they wish the application to be determined by Committee and their desired outcome for the application.

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

NB: Should the desired outcome subsequently be in accord with the 'Officer's Recommendation' then the application will not be referred to Committee.

- c) Full Planning telecommunication mast applications where the statutory time constraints allow for determination.
- d) Personal planning applications from Councillors, Chief Officers and officers directly involved in the processing of planning applications be referred to Committee (excludes certificates of existing and proposed lawful use).
- e) Sites where enforcement action has been taken and where the development that is the subject of the planning application, relates directly to the subject of the enforcement action.
- f) Determination of minor applications in the green belt at Brunel University, Harefield hospital and Mount Vernon hospital of over 1000sq.m floorspace and determination of minor applications on other sites in the green belt where the proposal is contrary to green belt policy.
- g) Consultations on applications submitted to neighbouring planning authorities that could affect Hillingdon residents and cause loss of residential or environmental amenity.

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) Major aviation development leading to a major quantifiable increase in capacity.
- g) All departures from the development plan.
- h) 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.
- i) Advertisement poster panels of 16-sheet size and above.
- j) Permission in Principle applications, but only where the statutory time constraints allow for determination by Committee.
- k) Changes of use to a proposed sui generis use.

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 42 day or 56 day prior approval constraints apply cannot be referred to Planning Committee unless:
 - (i) where time constraints allow a Committee referral and they exceed 10 units or 1000 sq.m floorspace and are recommended for approval.
 - (ii) where time constraints allow a Committee referral and a valid petition has been received and the officer recommendation is contrary to that requested by the petitioners.
 - (iii) where time constraints allow a Committee referral and 20 or more individual representations in support or objection are received.

This is subject to the following proviso:

Where a petition is received and the officer recommendation aligns with that of the petitioners, or where the above criteria apply but time constraints do not allow a Committee referral, the Head of Planning should refer the conditions imposed or recommended refusal reasons to the Chairman of the relevant Planning Committee and Opposition lead, for their comment prior to a decision being issued.

- c) Where a petition or Councillor request has been received requesting refusal of a householder application and where the officer recommendation is to refuse consent and the reasons for refusal align with those requested by the petition or Councillor.

Planning Delegations to officers

PART 3 – OFFICER SCHEME OF DELEGATIONS – CORPORATE DIRECTOR OF PLANNING, ENVIRONMENT, EDUCATION & COMMUNITY SERVICES

Delegated to the Deputy Director of Planning and 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 change of use applications except for those involving approval of a proposed sui generis use.
5. Determination of applications for changes of use of industrial units apart from changes to retail uses.
6. Determination of Householder applications in the Green Belt.
7. Determination of minor applications in the green belt at Brunel University, Harefield hospital and Mount Vernon hospital of up to 1000sq.m floorspace and determination of minor applications on other sites in the green belt where the floorspace is less than 200sq.m.
8. Approval of details required by conditions imposed on the granting of planning permission and where there are no objections.
9. Determination of applications under the Copsewood Covenant.
10. Determination of applications for Certificates of Appropriate Alternative Development.
11. Determination of any application under the appropriate Town and Country Planning General Regulations for Council development which satisfy any of the above delegated powers.
12. 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.
13. 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 (excluding Section 73 applications where no increase in residential units or floorspace are proposed and deeds of variations to S106 legal agreements where there is no reduction in the level of affordable housing or monetary sums to be paid to the Council).
14. 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.
15. The entering of land within the Borough for any purpose or purposes required in connection with the exercise of any statutory planning function.
16. The issue of Planning Contravention Notices.

17. The issue of Temporary Stop Notices and Stop Notices
18. The issue of S215, breach of condition and planning enforcement notices and to communicate these to Ward Councillors weekly in an appropriate manner.
19. Authorisation and issue of Enforcement Notices in connection with Tree Preservation Orders.
20. 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.
21. 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).
22. Action requiring the removal or obliteration of un-authorised advertisements.
23. Serving of building preservation notices.
24. Responses to consultations on plans and policies of local authorities and other bodies.
25. To authorise the making, issue and service of any notices, orders and other documents under the town and country planning and listed buildings legislation.
26. 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.
27. To authorise the institution of legal proceedings to seek injunctive relief under the town and country planning and listed buildings legislation.
28. 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.
29. 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.
30. To determine non-material amendments to planning applications.
31. 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.
32. Section 73 applications where no increase in residential units or floorspace are proposed.
33. To approve deeds of variations to S106 legal agreements where there is no reduction in the level of affordable housing or monetary sums to be paid to the Council.

HS2 delegations to officers

HS2 OFFICER DELEGATIONS

In relation to High Speed 2 (HS2) to make the following decisions in consultation with the Cabinet Member for Environment, Housing and Regeneration.

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 Public Safety and Transport.

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 Environment, Housing and Regeneration.

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 Environment, Housing and Regeneration.

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 Planning Specialists Manager is authorised to exercise the above delegation in consultation with the Cabinet Member for Environment, Housing and Regeneration.

Planning

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

The Deputy Director of Planning and 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 Environment, Housing and Regeneration.

Other Schedule 17 applications and Schedule 16[5] [land restoration schemes] applications

- (g) To agree all other Schedule 17 applications and Schedule 16[5] [land restoration schemes] applications from HS2 Ltd to the London Borough of Hillingdon not delegated to the Major Applications Planning Committee.

The Deputy Director of Planning and Regeneration is authorised to exercise the above delegation and make decisions in consultation with the Cabinet Member for Environment, Housing and Regeneration.

Important Note: Delegated decisions to the Corporate Director of Planning, Environment, Education and Community 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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Control: Raj Alagh - Borough Solicitor / Mark Braddock – Senior Democratic Services Manager, London Borough of Hillingdon