

# ***Revised Schedule of Delegation***

## ***(Strategic Planning Committee Development Management Committee)***

..... 2007

### **HARROW COUNCIL PLANNING**

#### **DELEGATION TO DIRECTOR OF PLANNING**

##### **Planning Services**

The Director of Planning is authorised specifically to act in exercise of the functions of the Strategic Planning Committee and the Development Management Committee in respect of the planning matters where in his opinion they fall within categories 1 to 26 below, subject to the restrictions and conditions indicated:

##### **Provisos**

This delegated authority shall not extend to:

- A) the approval of an application in the Application Categories described below, where the Chair of the Strategic Planning Committee or the Development Management Committee or a Nominated Member request **in writing or by email** that the application be reported to the Committee;
- B) the approval of any delegated application where, in the opinion of the Director of Planning, the proposals conflict with agreed policies, standards and guidance;
- C) the determination of any application which involves development on land owned, or in which an interest is held, by the Council, except in relation to Application Category 8) below;
- D) the determination of any application which involves development on land owned, or in which an interest is held, by a Council Member (or their spouse / partner), or by any member of the Council's staff (or their spouse / partner);
- E) the approval of any delegated application which, in the opinion of the Director of Planning, would have a significant impact on the environment, would be potentially controversial, or otherwise likely to be of significant public interest;
- F) the determination of any delegated application which the Director of Planning considers should be presented to the Strategic Planning Committee or the Development Management Committee for decision;
- G) the approval of any application which, in the opinion of the Director of Planning, constitutes a departure from the Development Plan because the development does not accord with the provisions of the Development Plan for the time being applicable in the Borough;
- H) any application for development, the determination of which might involve the payment of compensation or a purchase notice.

## **Application Categories for Delegation**

### **1) Residential Extensions and related development**

Householder development, including:

- extensions and alterations
  - erection of domestic garages or car ports
  - erection of ancillary garden buildings
  - fences and other means of enclosure
  - hardstandings
  - means of access
  - satellite antennae
- excludes all applications for the provision of disabled facilities where, in the opinion of the Director of Planning, there would be an impact on neighbour amenity in conflict with agreed policies, standards and guidance

### **2) Construction of Two Dwellinghouses**

### **3) Minor Development within the curtilage of non-residential buildings, including, but not limited, to:**

- a) shopfronts
- b) material alterations to elevations
- c) single and / or first floor storey rear or side extensions of up to and including 400m<sup>2</sup> floorspace
- d) installation of satellite antennae
- e) provision and alteration of parking areas
- f) fencing and other means of enclosure
- g) plant and machinery
- h) Other operations

### **4) Development of up to and including 400m<sup>2</sup> of non-residential floorspace or involving up to 0.1ha of land**

### **5) Residential Conversions to provide up to and including 6 units in the following buildings:**

- a) single family dwellinghouses
- b) multi - occupied premises
- c) non - residential premises

### **6) Other Changes of Use:**

any change of use of up to and including 400m<sup>2</sup> of floorspace

### **7) Provision of a means of access to a highway**

### **8) Council owned land:**

Minor development of up to and including 100m<sup>2</sup> of floorspace on land owned, or where an interest is held, by the Council

- includes disabled access facilities, small extensions to schools, storage buildings, etc.  
*Application Categories for Delegation* (continued)

**9) Development that can be REFUSED planning permission:**

- residential development by new build, extension or conversion
- any development other than expressly excluded under 'Provisos' A-H above

**10) Works requiring Listed Building Consent:**

for internal works, small extensions or alterations to Grade II Listed Buildings

**11) Advertisement Consent applications:**

To exercise the Council's functions in relation to applications for consent and enforcement under the relevant Town and Country Planning (Control of Advertisements) Regulations and the relevant provisions of the London Local Authorities Act 1995.

**12) Certificates of Lawful Development:**

- To determine applications for certificates of lawfulness of **existing use or development**, submitted under Section 191 of the Town and Country Planning Act 1990, subject to consultation with the Director of Legal Services where the Director of Planning considers it appropriate to do so
- To determine applications for certificates of lawfulness of **proposed use or development**, submitted under Sections 192 of the Town and Country Planning Act 1990, subject to consultation with the Director of Legal Services where the Director of Planning considers it appropriate to do so

**13) Permitted Development Prior Approvals:**

To determine, before the exercise of a permitted development right, whether the prior approval of the local planning authority will be required for development in the following categories:

- Telecommunications Development** comprising the following:
  - public call boxes
  - radio equipment housing with a volume less than 2.5m<sup>3</sup>
  - development ancillary to radio equipment
- Agricultural Buildings and Operations**
- Demolition of Buildings**

**14) Variation of Conditions**

To determine applications to vary or remove conditions imposed on planning permissions, other than MAJOR development, where, in the opinion of the Director of Planning, the proposals do not raise substantial amenity issues, or affect the validity or basis of the original permission.

**15) Approval of Reserved Matters and Details Pursuant to Conditions**

- To determine applications for the approval of reserved matters, required by a condition on an outline planning permission.
- To determine applications for the discharging of details pursuant to planning conditions.

Application Categories for Delegation (continued)

**16) Consultations from Other Authorities**

- a) To consider and respond to consultations or notifications submitted by neighbouring authorities, statutory undertakers or other bodies in cases of development in categories **1 to 15** above.
- b) To consider and respond to consultations by a Government Department in cases of development in categories **1 to 15** above.

**17) Minor Amendments**

To consider whether, in the opinion of the Director of Planning, any proposed revisions to a planning permission are significant enough to require the submission of a fresh planning application where planning permission has been granted and has not expired.

**18) Petitions**

Where a petition is received, to determine applications falling within the terms of this delegated authority, **unless** the petition conflicts with the recommendation

- In this case a petition means a letter signed by more than 5 persons

**19) Departures from Development Plan**

To decide whether, in the opinion of the Director of Planning, a planning application constitutes a departure because the development does not accord with the provisions of the Development Plan for the time being applicable to the Borough, and to decide whether the application should be referred to the Secretary of State, or the Greater London Authority.

**20) Publicity on Planning Applications and Related Matters**

To decide the level of publicity needed for planning and related applications under the terms of Circular 15/92, the Town & Country Planning (General Development Procedure) Order 1995, the Town & Country Planning (General Permitted Development) Order 1995, and the Council's agreed Publicity Practice Note.

**21) Planning Appeals**

- a) In the event of any planning or enforcement appeals, to prepare, submit and present the Council's statement or case, including appropriate conditions and, if appropriate, a statement as to whether the Council would be prepared to grant permission or consent for the development or works the subject of the appeal.
- b) To decide on which method to contest an appeal against the Council's failure to determine within the prescribed period an application that would have fallen to be determined under delegated powers.

**22) Environmental Impact Assessment**

In accordance with the requirements of the relevant Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations:

a) **Screening Opinion**

- i) to consider whether an applicant needs to submit an Environmental Impact Assessment (EIA) with a planning application;
- ii) to determine, where requested, any written requests from prospective applicants for a "**screening opinion**" on the need to submit an EIA with a planning application.

b) **Scoping Opinion**

To determine written requests, from prospective applicants, for a “*scoping opinion*” about the information required in an EIA.

Application Categories for Delegation (continued)

**23) Enforcement**

Planning Contravention Notices

- a) To authorise the service, by the Director of Legal Services, of Planning Contravention Notices pursuant to Section 171C of the Town and Country Planning Act 1990, in respect of alleged breaches of planning control.
- b) To authorise legal proceedings for offences under Section 171D(1) and (5) of the Town and Country Planning Act 1990, in respect of failure to comply with the requirements of a Planning Contravention Notice.
- c) To consider any offer or representations which the recipients of a Planning Contravention Notice may wish to make regarding any alleged breach of control.

Breach of Condition Notices

- d) To authorise the service, by the Director of Legal Services, of Breach of Condition Notices under Section 187A of the Town and Country Planning Act 1990 in respect of alleged breaches of planning control.
  - items within this category to be recorded on the monthly enforcement grid and reported to the Strategic Planning Committee and/or the Development Management Committee

Enforcement Notices

- e) To authorise the service, by the Director of Legal Services, of Enforcement Notices in respect of alleged breaches of planning control in relation to development that was or would in his opinion be dealt with under delegated authority to the Director of Planning.
  - for example: for Householder development see category 1;  
for residential development see categories 4, 7, 8;  
for non-residential development see categories 5, 6, 8, 9;  
for conservation areas and listed buildings see categories 2, 9
  - items determined for action under Category 23)e) to be recorded on the monthly enforcement grid and reported to Strategic Planning Committee and/or the Development Management Committee

Section 330 Notices

- f) To authorise the service, by the Director of Legal Services, of Notices under Section 330 of the Town and Country Planning Act 1990.

Right of Entry

- g) To exercise the Council's functions in relation to the provision of written authority for officers carrying out the inspection of properties in connection with Enforcement matters.

Section 215 Notices

- h) To authorise the service, by the Director of Legal Services, of Notices under Section 215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land, and any subsequent direct action.

**24) Tree Preservation**

- a) To exercise the Council's functions in relation to applications for consent to the cutting down, topping, lopping, or destruction of trees subject to Tree Preservation Orders and the provisions of Sections 211-214 of the Town and Country Planning Act 1990 (trees in conservation areas not protected by a Tree Preservation Order), except where a refusal of consent would involve the payment of compensation.
- b) To authorise proceedings in relation to unauthorised works on unprotected trees in conservation areas and trees subject to a Tree Preservation Order.

Application Categories for Delegation (continued)

**25) Conservation Areas and Areas of Special Control**

To exercise the Council's functions in relation to conservation areas, listed buildings and areas of special control that have been designated and defined by the Council or Cabinet under the Town and Country Planning Act 1990 and / or the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant Town and Country Planning (Control of Advertisements) Regulations respectively.

**26) Strategic Planning**

To keep under review matters affecting the development of the Borough and to institute surveys as required under the Local Authorities (Functions & Responsibilities) (England) Regulations 2000, subject to periodic progress reports being made to Cabinet and Strategic Planning and/or Development Management Committee for information purposes.

## **Appendix to Schedule of Delegation**

### **Definitions**

**“Conservatory”:** a lightweight extension that includes a glazed roof and one or more part / fully glazed walls

**“Householder”:** development within the curtilage of private dwellinghouses (including flats and maisonettes) that requires planning permission, is not a change of use, and does not include the creation of new dwellings.

**“Major”:** development within the following categories:

- 10 or more dwellings or residential development on sites of 0.5ha or more
- non-residential floorspace of 1000m<sup>2</sup> or more, or with a site area of 1ha or more

**“Minor”:** development that does not fall within the categories of **“Major”** or **“Other”** development

**“Other”:** development or applications within the following categories:

- Householder extensions, and various Other developments within the curtilage of residential dwellinghouses
- changes of use and conversions that do not include building works requiring planning permission
- advertisements consents
- certificate applications
- listed building consents
- conservation area consents
- notifications under C18/84 and 14/90
- consultations from neighbouring authorities
- determinations for telecommunications development, agricultural or forestry development, and demolition of residential buildings

**“Residential Development”:** New build, extension or conversion to provide one or more residential units

#### **Please Note:**

**References to Town & Country Planning Act 1990 and associated reference should be read as including the relevant sections of the Planning & Compulsory Purchase Act 2004**

**Graham Jones  
Director of Planning**