

PLANNING COMMITTEE

MINUTES

16 NOVEMBER 2011

Chairman: * Councillor Keith Ferry

Councillors: * Graham Henson (1) * Bill Phillips
* Thaya Idaikkadar * Anthony Seymour
* Joyce Nickolay * Simon Williams (1)

* Denotes Member present

(1) Denotes category of Reserve Members

194. Attendance by Reserve Members

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Members:-

Ordinary Member

Councillor Stephen Greek
Councillor William Stoodley

Reserve Member

Councillor Simon Williams
Councillor Graham Henson

195. Right of Members to Speak

RESOLVED: That, in accordance with Rule 4.1, the following Councillors, who were not Members of the Committee, be allowed to speak on the agenda items indicated:

Councillor

Christopher Noyce

Planning Application

1/04, 1/05, 1/06 Rayners Hotel, 23
Village Road East, Harrow, HA2 7LX

Marilyn Ashton
Bill Stephenson

1/07 St Georges Church Sports Ground,
Pinner View, Harrow, HA1 4RJ

Stephen Greek

2/07 647 & 649 Kenton Lane, Harrow,
HA3 6AS

196. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Item 10 – Planning Applications Received – 1/04, 1/05, 1/06 –
Rayners Hotel, 23 Village Way East, Harrow, HA2 7LX

Councillor Anthony Seymour declared a personal interest in that a local resident who had made representations to him was married to the assistant to the Mayor. He would remain in the room whilst the matter was considered and voted upon.

Agenda Item 10 – Planning Applications Received – 2/03 – 61 Greystoke
Avenue, Pinner, HA5 5SN

Councillors Anthony Seymour, Joyce Nickolay and Simon Williams declared a prejudicial interest in that a former employee of the Conservative Group Office lived near to the application site and had raised an objection. They would leave the room whilst the matter was considered and voted upon.

Agenda Item 10 – Planning Applications Received – 2/07 – 647 & 649 Kenton
Lane, Harrow, HA3 6AS

Councillor Stephen Greek declared a prejudicial interest in that he had formally objected to the application. Once he had spoken on the application, he would leave the meeting whilst the matter was considered and voted upon.

197. Minutes

RESOLVED: That the minutes of the meetings held on 27 September 2011 and 11 October 2011 be taken as read and signed as a correct record.

198. Public Questions and Deputations

RESOLVED: To note that no public questions were put, or deputations received at this meeting.

199. Petitions

RESOLVED: To note the receipt of two petitions objecting to planning application 1/07 for the development of St Georges Church Sports Ground, Pinner View, Harrow, HA1 4RJ, with 26 and 128 signatories respectively.

200. References from Council and other Committees/Panels

RESOLVED: To note that there were none.

201. Representations on Planning Applications

RESOLVED: That in accordance with the provisions of Rule 18 (Part 4B of the Constitution), representations be received in respect of items 1/03, 1/07 and 2/03 on the list of planning applications.

RESOLVED ITEMS

202. Planning Applications Received

In accordance with the Local Government (Access to Information) Act 1985, the Addendum and Supplemental Addendum were admitted late to the agenda as they contained information relating to various items on the agenda and were based on information received after the despatch of the agenda. They were admitted to the agenda in order to enable Members to consider all information relevant to the items before them for decision.

RESOLVED: That authority be given to the Divisional Director, Planning to issue the decision notices in respect of the applications considered.

WAITROSE, 140 NORTHOLT ROAD, SOUTH HARROW, HA2 0EG (APPLICATION 1/01)

Reference: P/2441/11 - (Waitrose). Variation of Condition 25 attached to Planning Permission West/324/95/FUL dated 28/02/1996 to Change the Opening Hours from 8:00 a.m to 8:00 p.m. on Monday - Thursday and on Saturdays, 8:00 a.m to 9:00 p.m on Fridays, and Between 10:00 a.m and 5:00 p.m on Sundays, to 7.30am until 9:00pm Monday - Saturday and Between 10:00am and 5:00pm Sundays.

DECISION: GRANTED permission for the variation of Condition 25 as described on the application and submitted plans, subject to conditions and informatives reported.

The Committee wished it to be recorded that the decision to grant the application was unanimous.

THE MATRIX PUBLIC HOUSE, 219 ALEXANDRA AVENUE, HARROW, HA2 9DL (APPLICATION 1/02)

Reference: P/2559/11 - (Mrs Serra Hofstetter – Hayes Development Estate). Construction of a Four Storey Building to Provide a 87 Bedroom Care Home; Landscaping and Parking at Rear.

The Chairman reported that a site visit had taken place.

In response to concerns regarding traffic and parking implications, it was reported that:

- the footway had been narrowed by the Council as part of the junction realignment;

- there was an existing access and the previous use in connection with the public house would have had more activity;
- established statistics identified a maximum of 20 visits per day on average for this type of use. There were no standards regarding maximum levels of parking;
- whilst Condition 16 required the development to be undertaken in accordance with the interim travel plan, a travel plan was not required due to the relatively low staffing levels;
- there was no impact arising from the development that would need to be mitigated by a Section 106 Agreement. Any request for retention of monies to introduce a traffic control system would run foul of the CIL regulations;
- officers worked closely with the highways section and would ensure that the junction was examined as part of the ongoing programme of works.

DECISION: GRANTED permission for the development as described on the application and submitted plans, as amended by the addendum, subject to conditions and informatives reported.

The Committee wished it to be recorded that the decision to grant the application was as follows:

Councillors Keith Ferry, Thaya Idaikkadar, Joyce Nickolay, Bill Phillips, Anthony Seymour and Simon Williams voted to approve the application.

Councillor Graham Henson abstained.

332 NORTHOLT ROAD, SOUTH HARROW, HA2 8ES (APPLICATION 1/03)

Reference: P/2400/11 – (Clearview Homes Limited). Redevelopment to Provide 50 Residential Units (49 Flats and 1 Dwellinghouse) in a Part 3, Part 4, Part 5 Storey Building with Cycle Store Associated Parking, Landscaping, Refuse and Amenity Space [Resident Permit Restricted].

The attention of the Committee was drawn to the supplemental addendum.

In response to questions it was reported that:

- there was a variety of building heights in the area. The five storey block would be set back from the road and there would be a gradual reduction to the two storey scale of the neighbouring properties;
- Condition 2 would include the requirement for prior approval for the obscure glazing to the balconies. The closest balconies to the neighbouring balconies would be some 15 metres away which was not uncommon in this type of application. There were no lighting issue;

- the number of parking spaces was in accordance with requirements;
- the traffic estimates for vehicles emerging during the weekday peak time was no more than 10. The general government advice was that access should be from the lesser trafficked road. The width restriction was welcomed in slowing traffic and did not impact the development. The development would be 'resident permit restricted' thereby preventing new occupiers of the development from parking within the CPZ during operational hours;
- as parking was out of the planning domain due to the limited impact from the development, any parking submissions would need to be raised via the Transport and Road Safety Advisory Panel.

The Committee received representations from an objector, Frank McGettigan and a representative of the applicant, Richard Henley.

DECISION:

- (1) GRANTED permission for the development as described on the application and submitted plans, as amended by the supplemental addendum, subject to the completion of a Section 106 Agreement with the Heads of Terms as detailed by 2 December 2011, and the conditions and informatives reported;
- (2) the delegation to the Divisional Director of Planning, in consultation with the Director of Legal and Governance Services, for the sealing of the Section 106 Agreement and to agree any minor amendments to the conditions or the legal agreement be approved;
- (3) should the Section 106 Agreement not be completed by 2 December 2011, the decision to REFUSE planning permission be delegated to the Divisional Director of Planning for the reasons set out in the report.

The Committee wished it to be recorded that the decision to grant the application was unanimous.

RAYNERS HOTEL, 23 VILLAGE WAY EAST, HARROW, HA2 7LX (APPLICATION 1/04)

Reference: P/1083/11- (Cycle Screen Ltd). Outline Application for Access, Appearance, Layout and Scale: Construction of a Ground Floor plus Four Storey Building, with Parking Spaces, and Refuse Storage at Lower Ground Floor Level; 448m² of Mixed Use Floorspace (A1/A2/A3/A5/B1/D1[C] [Education]) and 3 Residential Units (1 X Studio, 1 X 1 Bed And 1 X 2 Bed) at Ground Floor Level; and 28 Residential Units (1 X Studio, 1 X 2 Bed And 26 X 1 Bed) Above; Relocation of Access Steps on Imperial Drive and Additional Use of the Public House Building (A3/A4 with Ancillary C3 + D2) for the Purposes of Use Class D1[C] (Education). (Resident Parking Permit Restricted).

The Chairman stated that the situation had not changed since the decision to defer the three Rayners Lane Hotel applications from the previous meeting.

The applications were for an additional use, not a change of use and it would be the decision of the Applicant as to which choice of use to pursue.

DECISION:

- (1) GRANTED permission for the development as described on the application and submitted plans, subject to no additional matters being raised in objection to the scheme and the completion of a Section 106 Agreement with the Heads of Terms as detailed by 16 May 2012, and the conditions and informatives reported;
- (2) the delegation to the Divisional Director of Planning, in consultation with the Director of Legal and Governance Services, for the sealing of the Section 106 Agreement and to agree any minor amendments to the conditions or the legal agreement be approved;
- (3) should the Section 106 Agreement not be completed by 16 May 2012, the decision to REFUSE planning permission be delegated to the Divisional Director of Planning for the reasons set out in the report.

The Committee wished it to be recorded that the decision to grant the application was unanimous.

**RAYNERS HOTEL, 23 VILLAGE WAY EAST, HARROW, HA2 7LX
(APPLICATION 1/05)**

Reference: P/1018/11 – (Cycle Screen Ltd). Outline Application for Access, Appearance, Layout and Scale: Construction of a Ground Floor Plus Four Storey Building, with Parking Spaces, Servicing Area and Refuse Storage at Lower Ground Floor Level; 801m² Retail (Use Class A1) Floorspace at Ground Floor Level; and 28 Residential Units (28 X 1 Bed) Above; Relocation of Access Steps on Imperial Drive and Additional Use of the Public House Building (A3/A4 with Ancillary C3 + D2) for the Purposes of Use Class D1[C] (Education). (Resident Parking Permit Restricted).

DECISION:

- (1) GRANTED permission for the development as described on the application and submitted plans, subject to no additional matters being raised in objection to the scheme and the completion of a Section 106 Agreement with the Heads of Terms as detailed by 16 May 2012, and the conditions and informatives reported;
- (2) the delegation to the Divisional Director of Planning, in consultation with the Director of Legal and Governance Services, for the sealing of the Section 106 Agreement and to agree any minor amendments to the conditions or the legal agreement be approved;
- (3) should the Section 106 Agreement not be completed by 16 May 2012, the decision to REFUSE planning permission be delegated to the Divisional Director of Planning for the reasons set out in the report.

The Committee wished it to be recorded that the decision to grant the application was unanimous.

**RAYNERS HOTEL, 23 VILLAGE WAY EAST, HARROW, HA2 7LX
(APPLICATION 1/06)**

Reference: P/1017/11 – (Kenneth W Reed & Associates). Listed Building Consent: Proposed External and Internal Alterations Including: Demolitions (Including Retrospective Removal of Snug Screens and Proposed Removal of Internal Lobby; Proposed Installation of New Partitions (Including Infilling of Bar Openings) and Floor Mounted Walls; Removal of Signs; Repairs to Wooden Panelling; Installation of Disabled Access; Redecoration; New Bollards; Refurbished and New Electrics; Ceiling Repairs; New Lighting; Replacement Floor Coverings; Refurbishment of Heating System (Including New Radiators); New Locking System to Doors; Repair of Windows; Installation of CCTV and Security Detection; Installation of Fire Escape Signage; Boundary Treatment Alterations.

DECISION: GRANTED listed building consent for the development as described on the application and submitted plans, subject to conditions and informatives reported.

The Committee wished it to be recorded that the decision to grant the application was unanimous.

**ST GEORGES CHURCH SPORTS GROUND, PINNER VIEW, HARROW,
HA1 4RJ (APPLICATION 1/07)**

Reference: P/2336/11 – (St Georges Parochial Church Council). Outline Permission for Access and Layout: Redevelopment to Provide 7 X 1 Bed Flats, 8 X 2 Bed Flats, 4 X 3 Bed Houses and 8 X Four Bed Houses; Provision of Approximately 0.69 Hectares of Open Space; Improved Access, Parking for Users of St George's Church Hall and a Detached Double Garage for Use by the Vicarage.

The Divisional Director, Planning informed the Committee that the planning inspector had concluded that the appeal against the decision not to grant planning permission failed on narrow grounds, in particular three legal points regarding the unilateral undertaking:

- the omission of an indemnity which had caused the Council to decline entering into a Section 106 Agreement;
- provisions within the unilateral undertaking for the use of the open space were inadequate;
- the provisions for the Council to participate in those decisions were incomplete.

The amendment by the Applicants was to indemnify the Council for any liabilities arising from the restrictive covenant. The effect of the indemnity was to allow the Council to accept the land as part of a transfer and rendered it acceptable under the LPP 3D8 for the enhancement of public open space. It was only on that narrow matter that the inspector had said that the previous application was unacceptable and this had been dealt with.

The Legal Officer had studied the 1923 covenant in detail and carried out land registry searches of 26 properties adjoining the application site. Her view was that the likelihood of someone enforcing the covenant was remote because the covenant was not annexed to the land and the benefit did not appear to have been assigned to any of the properties surrounding the site. It was confirmed that the applicant had now agreed to indemnify the Council against any claims arising from breach of the covenant and the Section 106 Agreement could now be accepted. In response to questions from Members it was noted that:

- the discussions with the Applicant included indemnity insurance to support the indemnity which was the Applicant's responsibility to arrange;
- the provision of the indemnity was in the Section 106 Agreement;
- the relevant covenant prohibited the use of the playing field for public meetings and entertainment.

The Committee received representations from an objector, Marion Garner Patel.

DECISION:

- (1) GRANTED permission for the development as described on the application and submitted plans, as amended by the addendum, subject to completion of a Section 106 Agreement with the Heads of Terms as detailed by 16 February 2012, and the conditions and informatives reported;
- (2) the delegation to the Divisional Director of Planning, in consultation with the Director of Legal and Governance Services, for the sealing of the Section 106 Agreement and to agree any minor amendments to the conditions or the legal agreement be approved;
- (3) should the Section 106 Agreement not be completed by 17 February 2012, the decision to REFUSE planning permission be delegated to the Divisional Director of Planning for the reasons set out in the report.

The Committee wished it to be recorded that the decision to grant the application was as follows:

Councillors Keith Ferry, Graham Henson, Thaya Idaikkadar and, Bill Phillips voted to approve the application.

Councillors Joyce Nickolay, Anthony Seymour and Simon Williams abstained.

124 & 124A HARROW VIEW, HARROW, HA1 4TJ (APPLICATION 2/01)

Reference: P/1362/11 – (Mrs Sheela Bakrania). Single Storey Rear Conservatory and Porch Fronting Longley Road; External Alterations.

DECISION: GRANTED permission for the development as described on the application and submitted plans, subject to conditions and informatives reported.

The Committee wished it to be recorded that the decision to grant the application was unanimous.

105 NIBTHWAITE ROAD, HARROW, HA1 1TZ (APPLICATION 2/02)

Reference: P/2289/11 – (Dr Michael Gross). Change of Use from Warehouse with Ancillary Offices Use to a Therapy Centre (Class B8 to Class D1).

DECISION: GRANTED permission for the development as described on the application and submitted plans, as amended by the addendum, subject to conditions and informatives reported.

The Committee wished it to be recorded that the decision to grant the application was unanimous.

61 GREYSTOKE AVENUE, PINNER, HA5 5SN (APPLICATION 2/03)

Reference: P/1692/11 – (Mrs Joshna Parmar). Permanent Use of the Outbuilding as a Beauty Salon between 1900 hours to 2100 hours Monday and Wednesday to Friday and from 0900 to 1700 hours on Tuesdays.

The Chairman reported that a site visit had taken place.

It was noted that the use sought was for commercial purposes. If the use was for non-commercial purposes it would be acceptable.

The Committee received representations from an objector, Mr C Angelides, and the Applicant, Mrs Parmar.

DECISION: GRANTED permission for the development as described on the application and submitted plans, as amended by the addendum, subject to conditions and informatives reported.

The Committee wished it to be recorded that the decision to grant the application was unanimous amongst those able to vote.

LEXUS HOUSE, ROSSLYN CRESCENT, HARROW, HA1 2RZ (APPLICATION 2/04)

Reference: P/2333/11 – (Mr D Amdekar). Change of Use of First Floor and Part of Ground Floor from Offices (Use Class B1) to Use for Educational Purposes (Use Class D1) for a Period Of Five Years (Retrospective Application).

DECISION: GRANTED permission for the development as described on the application and submitted plans, subject to conditions and informatives reported.

The Committee wished it to be recorded that the decision to grant the application was unanimous.

GARAGES ADJACENT TO MAYFIELD HOUSE, MAYFIELD AVENUE, HARROW, HA3 8EX (APPLICATION 2/05)

Reference: P/1629/11 - (Messrs S & G, Mrs K, Ms G Randhawa). Change of Use from Lock Up Garages to Offices (Sui Generis to Class B1); Part Demolition of Existing Garages and Construction of Single Storey Extension with External Alterations.

DECISION: DEFERRED for site visit.

The Committee wished it to be recorded that the decision to defer the application was unanimous.

58-212 (evens) FRANCIS ROAD, HARROW, HA1 2QU (APPLICATION 2/06)

Reference: P/2703/11 – (Harrow Council). Renewal of Windows; Installation of Rainscreen Cladding; Extended Balconies with Associated Screening And Associated Works.

DECISION: GRANTED permission for the development as described on the application and submitted plans, as amended by the addendum, subject to conditions and informatives reported.

The Committee wished it to be recorded that the decision to grant the application was unanimous.

647 & 649 KENTON LANE, HARROW, HA3 6AS (APPLICATION 2/07))

Reference: P/2318/11 – (M & K Builders Ltd). Demolition of Pair of Semi-Detached Dwellinghouses (Nos. 647 & 649 Kenton Lane); Redevelopment to Provide Detached Part Three Storey/Part Two Storey Building, Plus Basement Comprising Eight Self Contained Flats; Landscaping; Refuse and Bicycle Stores and Associated Parking and Vehicle Access; 2.1 M High Boundary Fence at Rear.

The Committee was informed that the inspector had dismissed the appeal on design. The Applicant had taken this into account in the revised planning application.

A Member of the Committee proposed refusal on the grounds that the proposal was detrimental to the character of the area and appearance of the immediate area which was predominately characterised by buildings from the 1930s, contrary to the policies of D4 and D5 of the Harrow Unitary Development Plan. The motion for refusal was seconded, put to the vote and lost.

DECISION: GRANTED permission for the development as described on the application and submitted plans, as amended by the addendum, subject to conditions and informatives reported.

The Committee wished it to be recorded that the decision to grant the application was as follows:

Councillors Keith Ferry, Graham Henson, Thaya Idaikkadar and, Bill Phillips voted to approve the application.

Councillors Joyce Nickolay, Anthony Seymour and Simon Williams voted against.

FLAT 22, STANMORE HALL, WOOD LANE, STANMORE, HA7 4JY (APPLICATION 2/08)

Reference: P/2190/11 – (Mrs Lynn Milich). External Alterations to Front Elevation.

DECISION: GRANTED permission for the development as described on the application and submitted plans, subject to conditions and informatives reported.

The Committee wished it to be recorded that the decision to grant the application was unanimous.

FLAT 22, STANMORE HALL, WOOD LANE, STANMORE, HA7 4JY (APPLICATION 2/09)

Reference: P/2207/11 – (Mrs Lynn Milich). Listed Building Consent: Removal of Internal Partitions to Kitchen and Living Room and Removal of Below Window Masonry to Form Door Openings.

DECISION: GRANTED listed building consent for the development as described on the application and submitted plans, subject to conditions and informatives reported.

The Committee wished it to be recorded that the decision to grant the application was unanimous.

39 HIGH STREET, PINNER, HA5 5PJ (APPLICATION 3/01)

Reference: P/2090/11 – (Mr S Poonawala). Change of Use of Ground and First Floor Retail Use (Class A1) to Financial Services (Use Class A2).

DECISION: REFUSED permission for the development as described on the application and submitted plans, for the reasons set out in the report.

The Committee wished it to be recorded that the decision to refuse the application was unanimous.

203. Scheme of Delegation and Member Protocol

The Committee received a report of the Divisional Director, Planning which sought approval to an updated scheme of delegation and a member protocol for the call in of planning applications. It was noted that the report had been

deferred by the Planning Committee on 11 October 2011 to allow Members a longer period to consider the content of the report.

The Members agreed that Proviso C (ii) be amended by the insertion of the words 'save for applications falling within category 5(b) of Part 1 of this Scheme of Delegation' after the words in square brackets.

RESOLVED: That

- (1) the scheme of delegation to the Divisional Director of Planning be approved as set out in appendix 1 to the minutes;
- (2) the Member Protocol for the call in of planning applications by the Chairman and Nominated Member of the Planning Committee be approved as set out in appendix 2 to the report.

204. INFORMATION ITEM - Non-Executive Decision - Stonegrove and Spur Road Estates Site, Edgware

The Committee received an information report of the Director of Legal and Governance Services advising of a non-executive urgent action. It had been agreed not to raise an objection to the London Borough of Barnet regarding a planning application comprising part of the Stonegrove and Spur Road estates, on the eastern side of Stonegrove, which formed the boundary with the Borough of Harrow.

RESOLVED: That the report be noted

205. Member Site Visits

RESOLVED: That a Member site visit take place to the following site:

Garages adjacent to Mayfield House, Mayfield Avenue, Harrow, HA3 8EX

(Note: The meeting, having commenced at 6.30 pm, closed at 9.50 pm).

(Signed) COUNCILLOR KEITH FERRY
Chairman

Planning and Building Control Scheme of Delegation

Harrow Council Planning Committee

DELEGATION TO THE

DIVISIONAL DIRECTOR OF PLANNING

16 November 2011

General Matters

1. The Divisional Director of Planning is authorised specifically to act in exercise of the functions of the Planning Committee in respect of all applications and matters set out in the categories listed in Parts 1, 2 and 3 of this scheme of delegation subject to the restrictions and conditions indicated.
2. Any reference to an Act of Parliament, Regulation or Order in this scheme of delegation shall be deemed to include reference to any statutory re-enactment or replacement thereof for the time being in force
3. The powers set out in this scheme of delegation shall apply to the Divisional Director of Planning (or any equivalent replacement post).

Provisos to Part 1, Part 2 and Part 3

Unless otherwise indicated, this scheme of delegation is given subject to the following provisos:

- A) All decisions must be taken in accordance with the Principles of Delegation which state that "Officers should exercise delegated powers unless, in their opinion, the matter should be decided by Members". Examples of matters which should be determined by Members include matters not covered by an approved policy or guidance; those with unusual features; matters which may have political or other significance; or public interest matters.
- B) Where the Chair of the Planning Committee or a Nominated Member has requested **in writing** that an application or a matter covered in Part 1 or Part 3 of this scheme of delegation be reported to the Planning Committee and the request has not been resolved under the procedures outlined in the Member Referral Protocol, such application/matter shall not be decided under the delegated powers granted by this scheme of delegation;
- C) The powers granted under Part 1 of this scheme of delegation shall not extend to an application which involves development:
 - (i) on land owned by the Council save for applications falling within category 1(h) of Part 1 of this scheme of delegation; or
 - (ii) on land owned by an employee of the Council (or the spouse/partner of such an employee) save for applications falling within category 5(b) of Part 1 of this scheme of delegation ; or
 - (iii) on land in which a member (or the spouse/partner of such a member) has an interest
- D) No application shall be approved under this scheme of delegation where, in the opinion of the Divisional Director of Planning Services, the proposals constitute a material departure from the policies in the Development Plan for the time being applicable in the borough or the proposals materially conflict with national guidance or guidance contained in an adopted Supplementary Planning Document.
- E) No application shall be approved under this scheme of delegation where, in the opinion of the Divisional Director of Planning Services, the proposals would have a significant impact on the environment, would be potentially controversial, or otherwise likely to be of significant public interest
- F) Any decision on taking enforcement action on matters falling within Part 3 of this scheme of delegation shall be reported to the Planning Committee.
- G) These provisos are particularly important for matters that will require additional financial resources or have a potential adverse impact on the Council's reputation, such as Injunctions, Stop Notices and Temporary Stop Notices.

Part 1

General Development Management

1. Applications for Planning Permission

below: To determine applications for planning permission in the circumstances listed in (a) to (h)

- (a) All residential extensions and related 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
- (b) Applications for construction of up to two new dwellinghouses.
- (c) Minor¹ development within the curtilage of non-residential buildings, including, but not limited to:
- Shopfronts
 - Material alterations to elevations
 - Single and/or first floor storey rear or side extensions of up to an including 400m² floorspace
 - Installation of satellite antennae
 - Provision and alteration of parking areas
 - Fencing and other means of enclosure
 - Plant and machinery
 - Other operations
- (d) Development of up to and including 400m² of non-residential floorspace or involving up to 0.1ha of land
- (e) Residential conversions to provide up to and including 6 units in the following buildings:
- single family dwellinghouses
 - houses in multiple occupation
 - non-residential premises
- (f) Changes of use of up to and including 400m² of floorspace
- (g) Provision of means of access to a highway
- (h) Minor development of up to and including 100m² of floorspace on land/building owned, or where an interest is held by, the Council including:
- disabled access facilities
 - small extensions to schools
 - storage buildings etc.

2. Applications for Listed Building Consent on Area Consent

To determine applications for listed building consent:

- in cases where a companion application for planning permission falling within category 1 (a), (b), (c), (d), (e), (f) and (h) above has been submitted to the Council
- in cases where the Planning Committee has delegated authority for the determination of the planning application for the same development to the Divisional Director of Planning Services
- in all other cases involving minor external or minor internal alterations to Grade II listed buildings including new shop fronts and security measures

¹ Development that does not fall within the category of "Major". Major development is defined as development of 10 or more dwellings or residential development on sites of 0.5ha or more, or in the case of non-residential, floorspace of 1000m² or more, or with a site area of 1ha or more

3. Applications for Conservation Area Consent
To determine applications for conservation area consent:
 - in cases where a companion application for planning permission falling within category 1 (a), (b), (c), (d), (e), (f), (g) and (h) above has been submitted to the Council; or
 - in all other cases where the Planning Committee has delegated authority for the determination of the planning application for the same development to the Divisional Director of Planning Services

4. Advertisement Consent Applications
To exercise the Council's functions in relation to applications for consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the London Local Authorities Act 1995

5. Certificates of Lawful Use or Development
 - (a) To determine applications for certificates of lawfulness for all existing use or development submitted under section 191 of the Town and Country Planning Act 1990
 - (b) To determine applications for certificates of lawfulness for all proposed use or development submitted under section 192 of the Town and Country Planning Act 1990

6. 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:
 - (a) Telecommunications Development comprising the erection, installation or replacement of the following:
 - telecommunications masts and apparatus
 - public call boxes
 - equipment cabins for the delivery of telecommunications services
 - radio equipment housing with a volume less than 2.5m³
 - development ancillary to radio equipment
 - (b) Agricultural Buildings and Operations
 - (c) Demolition of Buildings
 - (d) Postal boxes used for the distribution of letters/mail
 - Where the local planning authority gives notice that prior approval is required for developments falling within categories 6 (a) to (d) above, to grant or refuse such approval pursuant to the Town and Country Planning (General Permitted Development) Order 1995 (as amended)

7. Variation of Conditions
To determine all applications to modify or delete conditions previously attached to a planning permission, except where in the opinion of the Divisional Director of Planning Services, the application raises substantial amenity issues or affect the validity or basis of the original planning permission

8. Approval of Reserved Matters and Details Pursuant to Conditions
 - (a) To determine all applications for approval of reserved matters, required by a condition on an outline planning permission except where this power has been reserved by the Planning Committee on any particular application
 - (b) To determine applications for the discharging of details pursuant to planning conditions except where this power has been reserved by the Planning Committee on any particular application .

9. Amendments of conditions post Committee Decision
To modify conditions imposed by the Planning Committee post the committee decision on the relevant application/item in the following instances:
 - in order to conform with stage II consultation responses received from the Greater London Authority
 - where the Planning Committee has expressly delegated authority to modify the condition(s) to the Divisional Director of Planning Services

10. Minor Material Amendments
To determine all applications made under section 73 of the Town and Country Planning Act 1990 for minor material amendments to existing planning permissions.
11. Non-Material Amendments
To determine all applications made under section 96A of the Town and Country Planning Act 1990 for non-material amendments to existing planning permissions
12. Consultation from Other Authorities
- (a) To consider and respond to consultations or notifications from neighbouring authorities, statutory undertakers or other bodies
 - (b) To consider and respond to all consultations by a Government Department, non Departmental Governmental Organisation or other Regional Agency or organisation on behalf of the Local Planning Authority.
 - (c) To respond to and participate in the development of statutory development plan documents and guidance prepared by other Local Planning Authorities, individually or jointly.
13. Petitions
To consider petitions received to applications falling within any of the categories listed in this schedule of delegation and to determine the relevant application unless, in the reasonable opinion of the Divisional Director of Planning Services, the application should be referred to the Planning Committee
14. Departures from Development Plan
To decide whether, in the opinion of the Divisional Director of Planning Services, a planning application constitutes a material departure from the development plan, and to decide whether the application should be referred to the Secretary of State, or the Greater London Authority
15. Publicity on Planning Applications and Related Matters
To decide the level of publicity required for planning and related applications under the terms of Circular 15/92, the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Town and Country Planning (General Permitted Development) Order 1995 as amended, and the Council's Statement of Community Involvement
16. Planning Appeals
- To prepare, submit and present the Council's statement or case at planning or enforcement appeals including claims for costs and the submission of conditions to PINS
 - On behalf of the LPA, to respond to notification from PINS regarding the procedure to be adopted for determination of a planning or enforcement appeal made against the LPA
17. Extensions to time limits for Implementing Permissions
To determine applications for extensions to the time limits for implementing planning permissions granted under delegated authority on or prior to 1st October 2009 unless the power to do so has been revoked by legislation
18. 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
 - (ii) 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 for a "scoping opinion" about the information required in an EIA
19. Stopping Up and Diversion Orders
In consultation with the Highways Authority to determine applications for stopping up, diversion and creation of highways or extinguishment of rights over highways made under Part X of the Town and Country Planning Act 1990
20. Tree Preservation

- (a) To determine applications for consent for the cutting down, topping, lopping, or felling of trees subject to a Tree Preservation Order (or trees in Conservation Areas not protected by a Tree Preservation Order) or consents to carry out other works to such trees under the provisions of the Town and Country Planning Act 1990 and associated legislation and regulations except where a decision to refuse consent would involve the payment of compensation
 - (b) To make and confirm provisional Tree Preservation Orders and other Tree Preservation Orders
 - (c) To authorise the planting of a replacement tree where unauthorised works have been carried out on an unprotected tree in a conservation area or a tree subject to a Tree Preservation Order
21. 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.
22. Section 106 Obligations
- (a) To authorise the negotiation, preparation and execution of agreements under Section 106 of the Town and Country Planning Act 1990 in respect of applications falling within Part 1 of this schedule of delegation
 - (b) To determine applications for modification, variation or discharge of all planning obligations made under Section 106A of the Town and Country Planning Act 1990 unless, in the reasonable opinion of the Divisional Director of Planning Services, the application should be referred to the Planning Committee
23. 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 as amended, subject to periodic progress reports being made to Cabinet and Planning Committee.
24. Fees
To determine the level of fees payable for applications submitted to the local planning authority
25. Validity of Applications
To determine whether any application submitted to the local planning authority constitutes a valid application
26. Power to decline to determine applications
To decline to determine applications in accordance with sections 70A and 70B of the Town and Country Planning Act and Sections 81A and 81B of the Planning (Listed Buildings and Conservation Areas) Act 1990
27. Nature Conservation
To make an assessment under the Conservation (Natural Habitats and Conservation) Regulations 1994 where an objection is lodged on conservation grounds by a statutory consultee

Part 2

Building Control

1. Applications under the Building Act and Regulations

To determine all applications made to the local authority under the Building Act 1984 (and the regulations made pursuant to that Act) including applications for relaxation of building regulations

2. Initial Notices etc

To discharge the Council's functions related to the acceptance or rejection of Initial Notices and/or Amendment Notices submitted by approved inspectors under section 47 of the Building Act 1984

3 Deposit of Plans

- To pass, reject or rescind plans of proposed work deposited with the local authority under the Building Act 1984 (and any relevant regulations made pursuant to that Act)
- Pursuant to section 32 of the Building Act 1984, to determine that the deposit of plans with the local authority is of no effect

4. Notices

To authorise the issuing and service of all notices and orders required under the Building Act 1984 (and any regulations made under that Act)

5 Certificates

To authorise the issuing of all certificates required under the Building Act 1984 (and any regulations made under that Act)

6 Fees

To determine the level of fees for chargeable building control functions and advice pursuant to the Building (Local Authority Charges) Regulations 2010

7 Appeals

To prepare, submit and present the Council's case at appeals instituted by or against the local authority under the Building Act 1984 (or any regulations made under that Act)

Part 3

Enforcement

1. Enforcement (General)

Planning Contravention Notices

- (a) To issue and serve 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 instruct the Director of Legal and Governance Services to take legal proceedings for offences under Section 171D 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.

Section 330 Notices and s16 notices

- (d) To authorise the issue and service, by the Director of Legal and Governance Services, of notices under Section 330 of the Town and Country Planning Act 1990 and notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- (e) To instruct the Director of Legal and Governance Services to take legal proceedings for offences under Section 330(4) and (5) of the Town and Country Planning Act 1990 and section 16 (2) of the Local Government (Miscellaneous Provisions) Act 1976 in respect of failure to comply with the requirements of a section 330 notice and section 16 notice, respectively.

Breach of Condition Notices

- (f) To authorise the issue and service, by the Director of Legal and Governance Services, of Breach of Condition Notices under Section 187A of the Town and Country Planning Act 1990 in respect of alleged breaches of planning condition (s).
- (g) To authorise the withdrawal, by the Director of Legal and Governance Services, of Breach of Condition Notices under section 187A (6) of the Town and Country Planning Act 1990.
- (h) To instruct the Director of Legal and Governance Services to commence legal proceedings for offences under Section 187A (8) and (9) of the Town and Country Planning Act 1990 in respect of failure to comply with the requirements of a Breach of Condition Notice.

Enforcement Notices

- (i) To authorise the issue and service, by the Director of Legal and Governance Services, of Enforcement Notices under section 172 of the Town and Country Planning Act 1990 in respect of alleged breaches of planning control.
- (j) To authorise the variation or withdrawal, by the Director of Legal and Governance Services, of Enforcement Notice (s) under section 173A of the Town and Country Planning Act 1990.
- (k) To authorise and pursue direct action (following consultation with the Director of Legal and Governance Services) under section 178 of the Town and Country Planning Act 1990 by entering the land, subject of an extant Enforcement Notice, and taking all the steps required to secure the remedy of the breach of planning control as set out in the notice.
- (l) To instruct the Director of Legal and Governance Services under section 178 (1)(b) of the Town and Country Planning Act 1990 to recover the expenses reasonably incurred by the Council in taking direct action to secure compliance with an Enforcement Notice.

- (m) To instruct the Director of Legal and Governance Services to take legal proceedings for offences under Section 179 of the Town and Country Planning Act 1990 in respect of a failure to comply with the requirements of an Enforcement Notice.

Section 215 Notices

- (n) To authorise the issue and service, by the Director of Legal and Governance Services, of Notices under Section 215 of the Town and Country Planning Act 1990 for remedying the condition of land, and to take any subsequent direct action to carry out the works in default.
- (o) To instruct the Director of Legal and Governance Services under section 219 (1)(b) of the Town and Country Planning Act 1990 to recover the expenses reasonably incurred by the Council in taking direct action to secure compliance with a section 215 Notice.
- (p) To instruct the Director of Legal and Governance Services to take legal proceedings for offences under Section 216 of the Town and Country Planning Act 1990 in respect of a failure to comply with the requirements of a section 215 Notice.

Injunctions

- (q) The Corporate Director – Place Shaping shall authorise the Director of Legal and Governance Services to take Injunctive action under Section 187B of the Town and Country Planning Act 1990, Section 222 of the Local Government Act 1972, Sections 9 and 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 214A of the Town and Country Planning Act 1990 in exercise of the Council's functions as a Local Planning Authority.

Temporary Stop Notices and Stop Notices

- (r) To authorise and instruct the Director of Legal and Governance Services to:
- i) Issue and serve temporary stop notices and stop notices under sections 171E and 183 of the Town and Country Planning Act 1990;
 - ii) Commence legal proceedings for offences under sections 171G and 187 of the Town and Country Planning Act 1990 in respect of temporary stop notices and stop notices.

(s) Right of Entry

- (i) To authorise relevant officers within planning and building control services to enter land/premises for the purpose of exercising functions contained in:
 - the Town and Country Planning Act 1990 (as amended)
 - the Planning (Listed Buildings and Conservation Areas) Act 1990
 - the Planning (Hazardous Substances) Act 1990
 - the Town and Country Planning (Control of Advertisement) Regulations 1992
 - any regulations made pursuant to any planning legislation
 - the Hedgerow Regulations 1997
 - the Building Act 1984 (and any regulations made pursuant to that Act)
- (ii) Where a power to do so is given in any of the legislations referred to above, to authorise the commencement of proceedings against a person(s) who wilfully obstructs an authorised officer exercising such a right to enter land/premises
- (iii) To authorise applications for warrants to enter land/premises for a purpose specified in any of the legislations referred to above

2. **Section 106 Obligations**

- (a) To authorise and instruct the Director of Legal and Governance Services to commence injunctive proceedings to enforce an obligation/covenant made in a section 106 Agreement
- (b) Subject to consultation with the Director of Legal and Governance Services, to authorise the taking of direct action under section 106(6)(a) of the Town and Country Planning Act 1990 by entering the land, subject of a section 106 Agreement, and carrying out any operations required to remedy the breach of an obligation(s) contained in the Agreement
- (c) Pursuant to section 106(6)(b) of the Town and Country Planning Act 1990, to instruct the Director of Legal and Governance Services to recover the expenses reasonably incurred by the Council in taking direct action to secure compliance with an obligation in a section 106 Agreement

3. **Tree Preservation**

- (a) To instruct the Director of Legal and Governance Services to take legal proceedings in relation to unauthorised works on unprotected trees in conservation areas and trees subject to a Tree Preservation Order
- (b) To authorise the service of a tree replacement notice under Section 207 of the Town and Country Planning Act 1990
- (c) Following consultation with the Director of Legal and Governance Services, to take direct action under Section 209 of the Town and Country Planning Act 1990 to secure compliance with a tree replacement notice served by the Local Planning Authority.
- (d) To authorise and serve notices under the Hedgerow Regulations 1997 including proceedings to secure compliance

4. **Advertisements, Listed Buildings, Conservation Areas and Areas of Special Control**

The Divisional Director of Planning may 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 under the Town and Country Planning Act 1990 and / or the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 respectively.

5. **Advertisement Controls**

- (a) To exercise the Council's functions of enforcement under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the London Local Authorities Act 1995.
- (b) To authorise or instruct the Director of Legal and Governance Services to:
 - (i) issue and serve all notices and commence all associated procedures contained within Part III of the London Local Authorities Act 1995
 - (ii) issue, serve, vary or withdraw discontinuance notices in accordance with Regulation 8 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007;
 - (iii) commence legal proceedings for offences under section 224 of the Town and Country Planning Act 1990;
 - (v) recover expenses reasonably incurred in securing compliance with any notice served under Part III of the London Local Authorities Act 1995
- (c) To take direct action (following consultation with the Director of Legal and Governance Services) to secure compliance with any notice served under Part III of the London Local Authorities Act 1995.
- (d) Pursuant to section 225 of the Town and Country Planning Act 1990, to authorise the obliteration or removal of any placard or poster displayed in contravention of the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

6. **Listed Buildings**

- (a) To authorise the Director of Legal and Governance Services to issue and serve, Building Preservation Notices and Emergency Building Preservation Notices under sections 3 and 4 of the Planning (Listed Buildings and Conservation Areas) Act 1990 .
- (b) To authorise the Director of Legal and Governance to issue and serve Urgent Works Notices in respect of Listed Buildings in accordance with section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to recover expenses reasonably incurred carrying out urgent works under section 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (d) To authorise the Director of Legal and Governance Services to issue and serve Listed Building Enforcement Notices under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
- (e) To instruct the Director of Legal and Governance Services to commence legal proceedings for offences under sections 9 and 43 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. **Building Control**

- (a) To authorise the issuing and service of notices for contravention of the provisions of the Building Act 1984 (and/or the provisions of any regulations made pursuant to that Act)
- (b) To instruct the Director of Legal and Governance Services to commence legal proceedings for any offence under the Building Act 1984 (and/or the provisions of any regulations made pursuant to that Act)
- (c) Pursuant to section 36 of the Building Act 1984, to authorise the removal or alteration of any works which contravenes any of the provisions of the Building Act (and/or the provisions of any regulations made pursuant to that Act)
- (d) To authorise the execution of any works which the local authority has required an owner or occupier of premises to execute under section 97 of the Building Act 1984
- (e) To authorise the sale of any materials removed from premises pursuant to section 100 of the Building Act 1984
- (f) To authorise the taking of direct action to secure compliance with any notices served under the Building Act 1984 (and/or the regulations made pursuant to that Act)
- (g) Pursuant to section 107 of the Building Act 1984, to authorise the recovery of any expenses incurred by the Council in taking any action under the Building Act 1984 (or the regulations made under that Act)
- (h) To authorise the Director of Legal and Governance Services to take injunctive action under the Building Act 1984 (and/or the provisions of any regulations made under that Act)