

PLANNING COMMITTEE

MINUTES

14 MARCH 2012

Chairman: * Councillor Keith Ferry

Councillors: * Stephen Greek * Bill Phillips
* Thaya Idaikkadar * Anthony Seymour
* Joyce Nickolay * Sachin Shah

* Denotes Member present

239. Attendance by Reserve Members

RESOLVED: To note that there were no Reserve Members in attendance.

240. Right of Members to Speak

RESOLVED: To note that no Members, who were not members of the Committee, had indicated a wish to speak.

241. Declarations of Interest

RESOLVED: To note that the following interest was declared:

Agenda Item 10 – Planning Applications Received – 2/01, 2/02, 2/03 - Orley Farm School, South Hill Avenue, Harrow, HA1 3NU

Councillor Barry Macleod-Cullinane declared a personal interest as he was a resident of Harrow on the Hill. He would remain in the room whilst the matter was considered and voted upon.

242. Minutes

RESOLVED: That the minutes of the meeting held on 23 February 2012 be taken as read and signed as a correct record.

243. Public Questions, Petitions and Deputations

RESOLVED: To note that no public questions were put, or petitions or deputations received.

244. References from Council and other Committees/Panels

A reference from the Council meeting on 16 February 2012 on two petitions was received by the Committee.

In response to a question, Members were informed that the proposed development for a telephone mast at the junction of Pinner Road/ George V Avenue had been determined in accordance with delegated authority and had been refused. The officer undertook to inform Members of the position regarding the proposed development at 6 The Glen, Pinner.

RESOLVED: To

- (1) to note the petition containing 30 signatures relating to the proposed development for a Telephone Mast at the junction of Pinner Road/ George V Avenue, Ref P/0066/12;
- (2) to note the receipt of a petition containing 45 signatures relating to the proposed development situated at 6 The Glen, Pinner, Middlesex, HA5 5AY Ref P/3271/11.

245. Representations on Planning Applications

RESOLVED: That in accordance with the provisions of Committee Procedure Rule 30.5, representations be received in respect of items 2/01, 2/02 and 2/03 on the list of planning applications.

RESOLVED ITEMS

246. Planning Applications Received

In accordance with the Local Government (Access to Information) Act 1985, the Addendum was admitted late to the agenda as it contained information relating to various items on the agenda and was based on information received after the despatch of the agenda. It was 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.

194 - 196 HIGH ROAD, HARROW, HA3 7AZ (APPLICATION 1/01)

Reference: P/0052/12 – (Mr William Brown). Redevelopment to Provide a Three Storey Building Comprising 9 Flats and a Two Storey Building Comprising 4 Flats; Provision of 13 Parking Spaces Cycle Storage Refuse and Landscaping following Demolition of Existing Properties on Site (Revised Application).

It was reported that a site visit had taken place. In response to a question, it was noted that full details of a scheme for the storage and disposal of refuse/waste was required by condition.

DECISION: GRANTED permission for the development described in 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.

UNITS 1-3, 9-17 HIGH STREET, EDGWARE, HA8 7EE (APPLICATION 1/02)

Reference: P/3418/11 – (Newberry Ltd). Demolition of Existing Buildings; Redevelopment to Provide 31 Flats and 110sqm of Class A2 or Class A3 Floorspace in a Part 4/5/6 Storey Building; Associated Access, Parking, Amenity Space, Landscaping and Refuse Storage.

It was reported that a site visit had taken place.

DECISION:

- (1) GRANTED permission for the development as described on the application and submitted plans, as amended by the addendum, subject to the completion of a Section 106 agreement by 29 March 2012 with the Heads of Terms reported in the addendum, 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 29 March 2012, the decision to REFUSE planning permission be delegated to the Divisional Director of Planning on the grounds as set out in the addendum.

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

**KRISHNA AVANTI PRIMARY SCHOOL, CAMROSE AVENUE, EDGWARE
(APPLICATION 1/03)**

Reference: P/0046/12 – (The I-Foundation). Removal of Conditions 14 (Use Class Restriction) and 19 (Restriction of School to Be Used by Pupils and Staff Only) Relating to Planning Permission P/1282/07 dated 10/03/2008 for 'Construction of One Form Primary School, External Works, Access & Car Parking'.

In response to a question it was noted that the application was in connection with the removal of two conditions which restricted the use of the site to staff and pupils only. Discussions were taking place with the school but the officers had not been in a position to submit it to the meeting.

DECISION: It was noted that, due to ongoing discussion with the applicant, a report had not been prepared for presentation to this Committee meeting.

**ORLEY FARM SCHOOL, SOUTH HILL AVENUE, HARROW, HA1 3NU
(APPLICATION 2/01)**

Reference: P/0467/12 – (Mr Timothy Brand). Application for Modification of Section 106 Agreement dated 26/01/1995 Relating to Land at Orley Farm School, South Hill Avenue to Replace Schedule 2 Paragraphs 2.1 to 2.3 with New Provisions Relating to the Limitation on Student Numbers (Up to 520) and Sustainable Travel Plan, and Insertion of New Definitions.

It was noted that the application was reported to the Committee as the Council had received a number of objections to the application, and it was in the opinion of the Divisional Director of Planning Services, both controversial and of significant public interest.

It was reported that a site visit had taken place. The officer introduced the report and referred to the addendum, which suggested that authority be delegated to the Divisional Director of Planning as the consultation period did not expire until 15 March 2012. The addendum included the schedule of modifications and summarised, and responded to, objections received subsequent to the dispatch of the agenda.

In response to questions, it was noted that:

- a school travel plan had been submitted to the Council in principle, but the details had not yet been formalised;
- officers indicated the route of the on-site traffic circulation route. It was expected that the provision of marshals would be a prerequisite of the parking management strategy to be submitted as part of the S106 requirements;
- the 1995 Section 106 Agreement placed a cap on staff and pupil numbers but did not include a travel plan or mitigation measures. The revised S106 Agreement would include: an obligation to implement the

travel plan which would be enforceable; a review mechanism every three years; and a requirement for the school to submit annual monitoring reports. The site had been monitored by the Highways Agency and planning officers during the last year and the proposals were considered sustainable. Updated surveys had indicated a reduction in single occupancy journeys;

- an enhancement of the existing pedestrian crossing was proposed;
- staff were an integral part of the school travel plan. However it was impracticable to cap staff numbers due to variations in working hours;
- the unadopted road was maintained by the residents management committee and the school was incorporated in the process.

The officers were of the view that the Section 106 offered betterment over existing provision. A refusal would result in no travel plan and no mitigation. The Committee considered that, had it been in a position to determine the modification, it would be minded to approve it subject to no adverse comments being received.

In conjunction with applications 2/02 and 2/03, the Committee received representations from two objectors, Professor Alan Evans and Gerald Hawkins, and a representative of the applicant, Mark Dunning.

DECISION: That the Divisional Director of Planning be authorised to determine the application, as amended by the addendum, following expiry of the consultation period on 15 March 2012, subject to no adverse comments being received, the informatives and the completion of a Deed of Variation to cover the matters set out in the addendum.

The Committee wished it to be recorded that the decision to delegate determination of the modification was unanimous.

**ORLEY FARM SCHOOL, SOUTH HILL AVENUE, HARROW, HA1 3NU
(APPLICATION 2/02)**

Reference: P/2946/11 – (Mr Timothy Brand). Conservation Area Consent: Demolition of Two Temporary Wooden Huts and Side Extension to Oakmead Building.

In conjunction with applications 2/01 and 2/03, the Committee received representations from two objectors, Professor Alan Evans and Gerald Hawkins, and a representative of the applicant, Mark Dunning.

DECISION: GRANTED Conservation Area Consent for the demolition described in the application and submitted plans.

The Committee wished it to be recorded that the decision to grant Conservation Area Consent was unanimous.

**ORLEY FARM SCHOOL, SOUTH HILL AVENUE, HARROW, MIDDLESEX,
HA1 3NU (APPLICATION 2/03)**

Reference: P/2890/11 – (Mr Timothy Brand). Demolition of Existing Buildings; Erection of Single Storey Dining Hall with Monopitch Roof to West of Main Building; Erection of Additional Single Storey Pitched Roof Changing Pavilion Adjacent to Cricket Playing Fields; Extension to Main Building to Provide a New Entrance Area with Canopy, Part Infill Ground and Part First Floor Rear Extension, Ground and First Floor Stairwell, and Alterations to Elevations; Single Storey Rear Extension to Gardner Building; Two Storey Rear Extension to Music Building; Single Storey Extension Pre-Prep Building; Demolition of Existing Side Extension and Erection of New Single Storey Side Rear Extension to Oakmead Building; New Pedestrian Crossing and Associated Guardrails and Lighting; Alterations to Parking, Associated Landscaping.

It was reported that a site visit had been held during which the Members had looked at the individual components of the scheme.

In response to questions, it was noted that:

- officers indicated the location of the footpath improvement works along South Hill Avenue, the maintenance and materials of which were controlled by condition 3 to make it complementary to the surrounding area;
- it was extremely difficult to monitor pupil numbers which was why the Section 106 was proposed in order to address the impact of the numbers, the main one being traffic movements. The obligation on the Applicant to submit enrolment numbers could not be required in a Section 106 as it would not meet the statutory tests for a planning obligation, although it was noted that the school had agreed to provide this information on a voluntary basis;
- it was hoped that through partnership working, targets would be identified and modifications suggested to meet the targets. Should this approach fail, legal recourse would be available. The present arrangements did not enable enforcement of the obligations.

In conjunction with applications 2/01 and 2/02, the Committee received representations from two objectors, Professor Alan Evans and Gerald Hawkins, and a representative of the applicant, Mark Dunning.

DECISION:

- (1) GRANTED permission for the development described in the application and submitted plans, subject to the completion of a Deed of Variation by 29 June 2012 as set out in the report, conditions and informatives reported;

- (2) the delegation to the Director of Planning, in consultation with the Director of Legal and Governance Services, for the sealing of the Deed of Variation 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 29 June 2012, the decision to REFUSE planning permission be delegated to the Divisional Director of Planning on the grounds as set out in the report.

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

247. Homes in Multiple Occupation (HMOs)

The Committee received a report of the Corporate Director, Place Shaping which, following changes to the legislation relating to Homes in Multiple Occupation (HMO), considered whether there was currently a case for introducing additional controls to restrict the scope of permitted development for changes of use from a dwelling (class C3) to a HMO (class C4) in parts of the borough.

It was noted that the number of HMOs in Harrow was not, at present, considered to be such as to justify an article 4 direction. However, with potential changes to housing and welfare policy, it was appropriate to keep the matter under review.

RESOLVED: That the number of HMOs in the borough be monitored and the situation be reviewed in 12 months time.

248. Planning Enforcement Policy

Members considered a report of the Divisional Director, Planning on the outcome of the public consultation undertaken on the Planning Enforcement Policy and the amendments made to the policy following the consultation exercise.

It was noted that five substantive consultation responses had been received by the end of the consultation period, one from an individual and four from residents' groups. Each of the responses was broadly supportive of the draft policies, and some useful constructive comment on specific aspects of the policies was also received.

RESOLVED: That

- (1) the amendments made to the Planning Enforcement Policy be noted;
- (2) the Cabinet be informed that the Planning Enforcement Policy contained in Appendix 1 be supported for the purposes of planning enforcement in Harrow, subject to minor corrections and formatting changes.

249. Scheme of Delegation

Consideration was given to a report of the Divisional Director, Planning that sought approval to the expansion of the scheme of officer delegations to enable the Planning Service to meet the forthcoming obligations in respect of the collection of the Mayor of London's Crossrail Community Infrastructure Levy (CIL) that would come into effect on 1 April 2012.

The report also used the opportunity provided by the examination of the scheme of delegation to update part 1 of the scheme (planning permissions) to enable the Divisional Director of Planning to grant extensions of time to the time limit for implementation of any non-controversial planning permissions granted on or prior to 1 October 2009, whether the original permission was granted under delegated powers or not.

RESOLVED: That the revised scheme of delegation be adopted as set out in appendix 1.

250. INFORMATION ITEM - Planning Enforcement

RESOLVED: It was noted that the report was deferred to a future meeting.

251. Member Site Visits

RESOLVED: To note that there were no site visits to be arranged.

(Note: The meeting, having commenced at 6.30 pm, closed at 8.05 pm).

(Signed) COUNCILLOR KEITH FERRY
Chairman

Planning and Building Control Scheme of Delegation

Harrow Council Planning Committee

DELEGATION TO THE

DIVISIONAL DIRECTOR OF PLANNING

14 March 2012

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, 3 and 4 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, Part 3 and Part 4

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 4 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 4 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

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

- (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.

1.1 Refusal of Planning Permission

When considering a planning application falling outside categories 1(a) to (h) above, the Divisional Director of Planning Services may exercise the Council's power to refuse planning permission for such an application unless:

(i) the application is expressly excluded under provisos A to G of this scheme of delegation; or

(ii) in the reasonable opinion of the Divisional Director of Planning Services, the application should be referred to the Planning Committee

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

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

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 scheme 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 on or before 1st October 2009 unless the power to extend such permissions is 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

Community Infrastructure Levy (CIL) Functions

1. Power to collect Mayoral CIL
To exercise the Council's power to collect CIL on behalf of the Mayor of London pursuant to CIL Regulations 2010 (as amended).
2. Calculation of CIL
To determine the amount of CIL payable in respect of a chargeable development under Regulation 40 of CIL Regulations 2010 (as amended).
3. Assumption and Apportionment of Liability
 - To consider and determine the validity of an assumption of liability notice or a liability transfer notice submitted to the Council as collecting authority under Regulations 31 and 32 of CIL Regulations 2010 (as amended)..
 - Where applicable, to apportion liability to pay CIL between each material interest in relevant land and to determine the amount payable by the respective interests in accordance with Regulations 33 and 34 of CIL Regulations 2010 (as amended).
4. Service of Notices
To authorise the issuing and service of all notices under CIL Regulations 2010 (as amended).
5. Relief and Exemptions
To consider and determine claims for relief or exemptions from liability to pay CIL.
6. Surcharges and Interest
 - Pursuant to Regulations 80 to 86 of CIL Regulations 2010 (as amended), to impose and/or apportion surcharges for various breaches specified in the relevant regulations.
 - To charge late payment interest under Regulation 87 of CIL Regulations 2010 (as amended).
7. Overpayment of CIL
Pursuant to Regulation 75 of CIL Regulations 2010 (as amended), to repay any sums overpaid by a person liable to pay CIL together with interest calculated in accordance with the relevant regulation.
8. Appeals
 - To consider and determine requests for review of chargeable amounts under Regulation 113 of CIL Regulations 2010 (as amended).
 - To prepare, submit and present the Council's case at appeals brought under CIL Regulations 2010 (as amended).

Part 4

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)

8. **CIL Enforcement**

- (a) To authorise the issuing and service of warning notices and CIL stop notices under Regulations 89 and 90 of CIL Regulations 2010 (as amended).
- (b) To authorise the withdrawal of CIL stop notices under Regulation 91 of CIL Regulations 2010 (as amended).
- (c) To instruct and authorise the Director of Legal and Governance Services to commence legal proceedings for offences committed under CIL Regulations 2010 (as amended).
- (d) To authorise the Director of Legal and Governance Services to:
 - take injunctive action under Regulation 94 of CIL Regulations 2010 (as amended).
 - apply to a magistrates' court for a liability order under Regulation 97 of CIL Regulations 2010 (as amended).
 - apply to a magistrates' court for a warrant to commit a debtor to prison under Regulation 100 of CIL Regulations 2010 (as amended).
 - apply for a warrant to enter any part of land which is used as a private dwelling under Regulation 109(4) of CIL Regulations 2010 (as amended).
 - apply to the appropriate court for a charging order under Regulation 103 of CIL Regulations 2010 (as amended).

- (e) To authorise officers within planning services to enter land/premises for the purpose of exercising the functions contained in Regulation 109 of CIL Regulations 2010 (as amended).
- (f) Where a liability order has been made against a debtor, to authorise distress and sale of goods of the debtor pursuant to Regulation 98 of CIL Regulations 2010 (as amended).