

DELEGATIONS TO THE HEAD OF PLANNING

Development ~~Management~~Control

1. To determine applications, negotiate and enter into S.106 Agreements, to agree minor variations to planning obligations, to respond to prior notifications, and to make observations on behalf of the Borough Council in accordance with the provisions of the appropriate Development Plan or other adopted Borough Council Planning Policy Guidance.

2. The delegated powers in paragraph 1 above shall not be exercised in the following circumstances:

(a) Any planning applications submitted by a member of the Council or Members of staff and for Council development (whether involving Council owned land or not);

(a)(b) applications where the decision of the Head of Planning would conflict with any written representation received within the specified representation period from:

- (i) Any Member of the Borough Council;
- (ii) A statutory consultee;
- (iii) A Parish or Town Council;

provided that any such representations from (ii) or (iii) above are, in the opinion of the Head of Planning, based upon relevant planning considerations.

(c) applications where the decision of the Head of Planning would conflict with letters of representations, or petitions, from at least three separate addresses received within the specified representation period from persons or bodies (other than those set out in (a) above) provided that any such representations are, in the opinion of the Head of Planning, based upon relevant planning considerations and a relevant Ward Member requests that the application should be reported to the Planning Committee (see 2 (i) above); (c) applications submitted by Members of the Council and Members of Staff; and

(d) applications which the Head of Planning considers are sufficiently major or raise difficult questions of policy interpretation or any unusual or difficult issues which warrant Member determination.

3. During the appeal process to negotiate and enter into S.106 Agreements and conditions in accordance with Council Local Plan policies and any pre-appeal discussions with relevant Members.

Trees, Hedgerows and High Hedges

4. To respond to notifications under the Town and Country Planning Act 1990 of intention to cut down, uproot, top or lop a tree within a Conservation Area or for trees covered by Tree Preservation Orders.

5. To determine Felling Licence applications.

6. To make and confirm, where there are no objections, Tree Preservation Orders.

7. Refusals of permission to cut down trees and approvals to lopping, silvicultural thinning of woodlands and routine cutting of coppice woodland not affecting draw trees.

8. Authority under Regulation 12 of the Hedgerows Regulations 1997 (as amended) and Section 214B of the Town and Country Planning Act 1990 (as amended) to enter onto land.

9. To respond to hedgerow notifications in consultation with the appropriate Ward Member(s).

10. Subject to consultation with the Head of Legal, to serve notices relating to dangerous trees, in accordance with Section 23 of the Local Government (Miscellaneous Provisions) Act 1976.

11. To consider and determine the Council's response to the formal complaints in relation to high hedges, to issue remedial notices and determine all other matters in relation to high hedges in accordance with Part 8 of the Anti-Social Behaviour Act 2003.

Enforcement

12. To authorise, sign and serve all enforcement and other notices under the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 on behalf of the Council.~~serve Enforcement Notices and/or to issue "breach of condition notices" to secure compliance with planning conditions.~~ following consultation with the Planning Committee Chair or Vice Chair and local ward member(s).

~~13. To serve Notices under the Town and Country Planning Act 1990 requiring the proper maintenance of land and the removal or obliteration of any placard or poster.~~

~~14. In cases of urgency between meetings to serve a "Stop Notice", a "Temporary Stop Notice" an Enforcement Notices or a Listed Building Enforcement Notice (following consultation with the Chairman or the Vice-Chairman of the Planning Committee and a relevant Ward Member).~~

~~15. To serve a requisition for information under Section 330 of the Town and Country Planning Act 1990.~~

13. To authorise the Head of Legal to take necessary legal proceedings in respect of planning enforcement legislation, including applications for injunction and taking direct action.

Conservation of Historic Environment

~~146. To authorise, sign and serve all~~ In cases of extreme urgency between meetings to serve a Building Preservation Notices and Urgent Works Notices
under ~~Section 3 of~~ the Planning (Listed Buildings and Conservation Areas) Act 1990.

~~157. To serve Urgent Works Notices and~~ carry out works where it is considered urgently necessary for the preservation of a listed building.

~~168.~~ To input to consultations by Church Authorities under the Ecclesiastical Exemption Regulations.

Miscellaneous

179. To respond to any pre-application or other consultation on nationally significant infrastructure projects submitted or to be submitted to the Major Infrastructure Planning Unit under the Planning Act 2008.

18. To respond to consultations from neighbouring planning authorities including Kent County Council following consultation with the Planning Committee Chair or Vice Chair and relevant ward member(s).

19. To authorise the Head of Legal Services to apply for judicial review of decisions made by the Planning Inspectorate in consultation with the Planning Committee Chair or Vice Chair, the Cabinet Member and Ward Member(s).

19.-To exercise powers of entry in accordance with Sections 196A and 324 of the Town and Country Planning Act 1990 (as amended) and Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

200. To screen and scope Environmental Impact Assessments, in accordance with The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).

214. To determine applications for Certificates of Lawful Use or Development.

222. To carry out consultations under the procedure set out for minor developments by Government departments.

23. To accept non-material amendments to approve schemes including minor amendments to conditions and planning obligations

24. To approve details reserved in conditional permissions (facing materials, landscaping, joinery details etc.)

25. To determine whether an application should not be considered in outline.

26. To serve notices requiring information regarding disposal of waste pursuant to Section 93 of the Control of Pollution Act 1974.

27. To act as “responsible authority” within the meaning of the Licensing Act 2003 and Gambling Act 2005.

28. To implement the provisions of the Environmental Assessment of Plans and Programmes Regulations 2004.

29. To authorise officers to apply for judicial approval and to undertake surveillance under the Regulation of Investigatory Powers Act 2000, excluding cases where it is likely that confidential information will be acquired.

30. To be responsible for the Council’s Building Control function by way of representation at the Joint Committee of the South Thames Gateway Building Control Partnership.

31. To implement and enforce the provisions of the Antisocial Behaviour Act 2003 in relation to high hedges and miscellaneous powers.

32. To exercise responsibility for local land charges

Officers to consider whether a delegation is required regarding Ancient Hedgerows, this will be reported back to a future GPC meeting.