

Powers delegated by the Development Control Committee to the Head of Planning Services

Details on powers delegated to the Head of Planning Services - November 2004

To the Head of Planning Services full authority to exercise and discharge the provision of the full range of development control services in accordance with all statutory and other requirements of a Local Planning Authority under the Town and Country Planning Acts including:

(i) the power to accept, administer, process (including requiring the submission of more information), publicise, decline (where the regulations allow) to determine, and to determine all applications , which includes all planning applications , and applications for reserved matters approval, advertisement consent, listed building consent and conservation area consent submitted to the Council, except an application:

(a) which is for 25 or more new dwellings;

(b) which is contrary to the provisions of an approved or draft development plan or adopted planning policy approved by the Council, and which is recommended for approval;

(c) which any Councillor requests, setting out good material planning reasons in writing to the Head of Planning Services, within 21 days of the circulation of details of the application, should be the subject of consideration by the Development Control Committee and the referral to the Committee is agreed by the Chairman;

(d) submitted by or on behalf of a Councillor (or his/her spouse or partner) or by any member of the Council's staff (or his/her spouse or partner);

(e) submitted by or on behalf of the Council for its own developments;

(f) which the Head of Planning Services considers should be presented to Committee for decision including for example, those development that in his opinion are potentially controversial, likely to be of significant public interest, or which may have a significant impact on the environment.

(ii) to administer and determine applications for hazardous substances consent under the Planning (Hazardous Substances) Act 1990, and related powers.

(iii) to agree minor amendments to approved schemes where in the opinion of the Head of Planning Services a fresh planning application is not justified.

(iv) to consider, approve or reject all details submitted pursuant to conditions imposed on planning and other permissions, Section 106 Planning Obligations, and Unilateral Undertakings.

(v) to respond, in consultation with the Chairman, to consultations from Government departments, Crown Agencies, statutory undertakers, Hampshire County Council and adjoining local planning authorities.

(vi) to determine applications for Lawful Development Certificates under Section 191 and 192 of the Town and Country Planning Act 1990.

(vii) to determine, in consultation with the Chairman, all applications for Prior Approval and Notification.

(viii) to authorise the Solicitor to the Council to issue breach of condition notices, enforcement notices and stop notices under the Town and Country Planning Act 1990.

(ix) to sign and serve Planning Contravention Notices under the Town and Country Planning Act 1990, and Requisitions for Information under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and Section 1719(c) and 330 of the Town and Country Planning Act 1990.

(x) to instruct the Solicitor to the Council to commence and pursue prosecutions with respect to any contravention/offence under the Town and Country Planning Acts.

(xi) to instruct the Solicitor to the Council with respect to any matter related to Section 106 Planning Obligations under the Town and Country Planning Act 1990, including any matter necessary to protect the Council's or public interest in the granting of permission pursuant to either a decision of the Development Control Committee or under delegated powers.

(xii) in respect of trees to

- (a) make a Tree Preservation Order;
- (b) confirm any Tree Preservation Order;
- (c) vary and revoke any Tree Preservation Order
- (d) authorise the issuing and serving of Tree Replacement Notices
- (e) determine applications to fell or carry out works to trees that are the subject of a tree preservation order; and
- (f) determine Notices of Intent to carry out works to tree within a conservation area".

(xiii) to exercise all the Council's functions with respect to 'screening' and 'scoping' opinions under the Town and Country Planning Acts and the Town and Country Planning (Environmental Impact Assessment) Regulations.

(xiv) to determine the Council's case to be presented at appeals including the decision whether to appoint consultants to act upon the Council's behalf or to submit claims for costs against an appellant.

(xv) to appoint and authorise officers to exercise the powers of entry under the Town and Country Planning Acts.

¹But not to refuse an application unless it is in consultation with the Chairman.

² But not to grant an application where material planning objections have been received from third parties or consultees unless it is in consultation with the Chairman.

³ But not to grant permission for a major application (a major application is defined by the Office of the Deputy Prime Minister in the Development Control Statistical Return as a development that comprises 10 or more dwellings (or where the number of dwellings is not given the site area is more than 0.5ha). For all other uses a major application is defined as one where the floorspace to be built is 1,000sq.m or more, or where the site area is 1ha or more) unless it is in consultation with the Chairman