

Supplementary Committee Agenda



**Epping Forest
District Council**

District Development Control Committee Tuesday, 7th December, 2010

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 7.30 pm

Democratic Services: Simon Hill, The Office of the Chief Executive
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11. PLANNING SERVICES - DELEGATION AND AUTHORISATION OF OFFICERS (Pages 3 - 8)

(Head of Planning and Economic Development) Officers have made revisions to the schedules linked to this item. Please bring this revised schedule with you to the meeting.

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Planning & Economic Development Delegations Schedule Number 1: Development Control

Function:	Principal Relevant Legislation (*see note)	Relevant Details:	Exceptions:
Care of the environment.	<p>Town and Country Planning (Environmental Impact Assessments) (England and Wales) Regulations 1999 (as amended)</p> <p>Planning (Hazardous Substances) Act 1990, Section 36</p> <p>Planning (Hazardous Substances) Regulations 1992</p>	<p>To determine the need for and scope of environmental impact assessments required under the Town and Country Planning Acts.</p> <p>To determine applications for hazardous substances consent except those where there are objections from interested parties, which shall be determined by the relevant Area Planning Sub-Committee.</p> <p>To obtain and use necessary powers of entry to the land in relation to the above.</p>	No
Development Control	<p>Town and Country Planning Act 1990 Section 70, 70(A), 191-3 etc</p> <p>Planning and Compensation Act 1991, Section 10</p> <p>Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Part 1, Reg. 16-19</p> <p>Town and Country Planning (Development Management Procedure) (England) Order 2010, Part 6, Article 35</p> <p>Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 3, Reg. 14-15</p> <p>Town and Country Planning General Permitted Development</p>	<p>1. Subject to Schedule A below, which are matters to be determined by committee, to determine or decline to determine any:</p> <ul style="list-style-type: none"> a. planning applications, b. applications for approval of reserved matters, c. applications arising from any condition imposed on any consent, permission, order or notice, d. advertisement consents, e. listed buildings and conservation areas consents, f. discharge of conditions and g. non-material and minor material amendments. <p>2. To agree the precise wording of additional/ revised conditions to be attached to planning permissions, at members' request.</p> <p>3. To determine whether prior approval of the method of any proposed demolition and any proposed site restoration is required and to give such approval where required except where objections from interested parties are received, which shall be determined by the Area Plans Sub-Committees.</p> <p>4. In relation to telecommunications equipment, to determine, after prior consultation with ward Councillors, whether the prior approval of the Council should be required to the siting and appearance of notified development.</p> <p>5. In relation to agricultural development, to determine whether to require the formal submission of details.</p> <p>6. To determine applications in relation to certificates of lawful use and development.</p> <p>7. To obtain and use necessary powers of entry to the land in</p>	Yes

	<p>Order 1995, Part 6 and Part 31 of Schedule 2</p> <p>Town and Country Planning Act 1990 (as amended), Part 8, section 171-190, 196a,b,c, 215-219, 224, 324 and 325.</p> <p>Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 5, sections 27 and 30</p> <p>Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 6, sections 38 and 88.</p>	<p>relation to the above.</p>
<p>Enforcement</p>	<p>Authority for Director of Planning & Economic Development or Director of Corporate Support Services to:</p> <ol style="list-style-type: none"> 1. Issue Stop notices, Temporary Stop Notices, Enforcement Notices, Breach of Conditions Notices, Building Preservation Notices, Listed Buildings Enforcement Notices, Conservation Area Notices, Discontinuance Notices in respect of advertisements and Section 215-219 Notices for all breaches of planning legislation, in accordance with the Council's adopted enforcement policy. 2. Prosecute the unauthorised display of advertisements, unauthorised works to a listed building, and non-compliance where enforcement action has previously been authorised. 3. Take appropriate enforcement action, including serving an injunction where the Director of Planning and Economic Development and/or the Director of Corporate Support Services, or their nominee, having regard to the evidence considers the circumstances to require urgent action. 4. Vary the requirements for compliance with notices already authorised, including altering the period required for compliance, service of further notices and withdrawal of notices. 5. Determine when action is not expedient in relation to breaches of control considered inconsequential or insignificant. 6. To obtain and use powers of entry necessary in relation to the above. 	<p>No</p>

- Note: the authority to be updated to take into account changes in the relevant legislation. All references are to the legislation as currently amended.

Schedule A: Matters to be Determined by the Relevant Committee

- (a) applications contrary to the provisions of an approved draft or Development Plan, and which are recommended for approval;
- (b) applications contrary to other approved policies of the Council, and which are recommended for approval;
- (c) applications for major commercial and other developments, (e.g. developments of significant scale and/or of wide concern) and which are recommended for approval;
- (d) applications for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and which are recommended for approval)
- (e) the councils own applications on its land or property which are for disposal;
- (f) those applications recommended for approval where there are more than two expressions of objection material to the planning merits of the proposal to be approved and received, apart from:
 - 1. approvals in respect of householder developments and
 - 2. "other" category developments (i.e. changes of use, advertisements, listed building consents, Conservation Area consents, lawful developments certificates, agricultural notifications, as well as telecommunications masts, shop fronts and vehicle crossovers),.
- (g) applications recommended for approval contrary to an objection from a local council which are material to the planning merits of the proposal;
- (h) applications which a Councillor representing a ward within the relevant Area Plans Sub-Committee area requests in writing within four weeks of notification in the Council Bulletin should be referred to the appropriate Sub-Committee provided that the member concerned has notified the Ward Councillor in advance;
- (i) applications where recommendation conflicts with a previous resolution of a Committee;
- (j) applications submitted by or on behalf of a Councillor of the Authority (and/or spouse/partner) or on behalf of a member of staff of Planning and Economic Development (and/or spouse/partner) and also in those cases where a councillor is an objector in a purely personal capacity;
- (k) any other application which the Director of Planning and Economic Development considers it expedient or appropriate to present to committee for decision (e.g. those raising issues not covered by existing policies, or of significant public interest, or those with a significant impact on the environment)
- (l) an application which would otherwise be refused under delegated powers by the Director of Planning and Economic Development but where there is support from the relevant local council and no other overriding planning consideration necessitates refusal.

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Planning & Economic Development Delegations Schedule Number 2: Forward Planning and Allied Functions

Function:	Relevant Legislation	Relevant Details:	Exceptions:
Forward Planning	Town and Country Planning Act 1990 Section 324 and 325	To obtain and exercise powers of entry to undertake surveys in connection with: (1) Statutory Plans (2) Applications for planning permission	No
Buildings	Planning (Listed Buildings and Conservation Areas) Act 1990 Section: 3 (1-8)	To serve Building Preservation Notices in urgent cases, subject to report to and review by the next meeting of District Development Control Committee. To obtain and exercise powers of entry to undertake surveys in connection with: (1) Statutory Plans (2) Applications for Planning Permission	Yes
Dangerous trees on private land	Local Government (Miscellaneous Provisions) Act 1976 Sections: 23 and 24	Discretionary power to take action to make safe trees on private land, including to (1) obtain and use necessary Powers of Entry to the land; (2) serve relevant notices; (3) respond to appeals (4) undertake works directly where necessary, and (5) recover expenses.	No
Countryside hedgerows	The Hedgerow Regulations 1997 Sections: 5 to 15 incl.	The responsibility to: (1) regulate the removal of certain hedgerows; (2) issue relevant notices, including to require hedgerow replacement; (3) respond to appeals; (4) take necessary enforcement or legal action, and (5) obtain and use necessary powers of entry to the land.	No
High hedges	Anti-social Behaviour Act 2003 (Part 8) Sections: 68, 69, 70, 74, 75, 77, 79 & 80	The responsibility to: (1) deal with complaints in relation to the height of domestic hedgerows; (2) issue, withdraw or relax the requirements of relevant notices; (3) serve relevant documents regarding notifications; (4) notify interested parties; (5) respond to appeals; (6) take relevant legal or enforcement action, including undertaking works directly and recovering expenses; and	No

<p>Protection of trees</p>	<p>Town and County Planning Act 1990 (as amended) Part VIII Sections: 197, 198, 199, 201, 203, 205, 206, 207, 208, 209, 210, 211, 214, 214A, B C & D, 324</p>	<p>(7) obtain and use powers of entry necessary in relation to (1), (2), (3) and (6).</p>
<p>The duty and responsibility to:</p> <ol style="list-style-type: none"> (1) take all necessary measures to make Tree Preservation Orders where trees are at risk, and are of significant existing or potential amenity value, or where they are of wider or strategic importance, subject to publication of the details in the Members Bulletin; (2) amend, confirm or revoke such orders, subject to reporting any objections regarding the making of the order to the relevant Area Planning Sub Committee for this decision; (3) determine applications for works to preserved trees (other than felling) except as set out below: <ol style="list-style-type: none"> (1) applications recommended for approval where more than two expressions of objection material to the planning merits of the proposal have been received; (2) applications recommended for approval contrary to an objection from a local council which are material to the planning merits of the proposal; and (3) applications which a Councillor representing a ward within the relevant Area Plans Sub-Committee area requests in writing within four weeks of notification in the Council Bulletin should be referred to the appropriate Sub-Committee provided that the member has notified the Ward Councillor in advance; (4) take any necessary action in respect of claims for compensation; (5) take action to ensure replacement planting where appropriate, by serving relevant notices, or by undertaking such planting directly and reclaiming the costs, and to publish any decision not to require replacement planting in the Members Bulletin; (6) respond to appeals; (7) take legal action in aspect of breaches of Part VIII of the Act where expedient, in conjunction with the Director of Corporate Support Service, including injunctive action and recovery of costs; (8) take appropriate action in respect of notification of works to trees in Conservation Areas, including the issue of the Tree Preservation Orders as necessary, and; (9) authorise all expedient measures to gain entry to land in respect of the execution of any of the above, including to: <ol style="list-style-type: none"> (1) issue a warrant if admission has been refused or if a refusal is reasonably apprehended or if the case is urgent; (2) to take samples of trees or soil, and (3) for the authorised person(s) to take with them such other persons as may be necessary . 		<p>Yes</p>

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